



LAW S
OF THE
TERRITORY OF HAWAII
PASSED BY THE
TWENTY-FIFTH LEGISLATURE

SPECIAL SESSION
1949

Convened on Tuesday, the Twenty-sixth Day of July, and
Adjourned Sine Die on Saturday, the
Fifteenth Day of October

Published by Authority under the
Direction of the Secretary of Hawaii
Honolulu, Hawaii

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1950

FOREWORD

§§ 2-3, REVISED LAWS OF HAWAII 1945, PROVIDE AS FOLLOWS:

"Sec. 2. **Laws published by secretary.** The secretary of the Territory shall promulgate all the laws enacted by the legislature, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, by publishing the same once in the English language in a newspaper of general circulation published daily in Honolulu in the English language. Any of such excepted acts may, however, be published when the governor so directs. After such publication, the secretary shall cause the same, together with all other laws duly enacted at any session of the legislature, to be printed, indexed and bound in book form. The index to any volume of the laws enacted at any regular session shall be cumulative and shall include an index of all laws enacted at every preceding regular or special session of the legislature since the publication of the last revision of the laws of the Territory. Before publishing any act in book form, the secretary is directed to conform the style thereof as near as may be with that of the latest revision of the statute law of the Territory. He is directed, before publishing them in book form, to classify all acts by serial letters or numbers or both and to insert appropriate supplementary chapter and section numbers and headnotes together with section histories, wherever necessary to aid in placing amendments or new sections or chapters in an appropriate supplementary sequence with the latest revision of the laws; and such amendments, new sections and new chapters may be cited by reference to such supplementary chapter and section numbers of such latest revision."

"Sec. 3. **Certain acts not obligatory until published.** No written law, unless otherwise specifically provided by legislative enactment, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, shall be obligatory without first being printed and made public. General or special appropriation acts, loan fund acts, pension acts and franchise acts, whether affecting territorial funds or the funds of county or other municipal subdivisions or commissions, shall become operative according to their respective terms merely by being passed and approved in the manner provided by sections 44 to 54, inclusive, of the Organic Act without the necessity of any other promulgation than the ultimate inclusion thereof in the bound volume of respective session laws as provided in section 69 of the Organic Act."

§§ 2-3, JOINT RESOLUTION NO. 4, 1945, PROVIDE AS FOLLOWS:

"Section 2. That the secretary of the Territory be and he is hereby authorized, in complying with the provisions of section 2 of said Revised Laws, before publishing any Act in book form, to change or correct any chapter or section numbers contained as a part of or referred to in any such Act, whenever necessary to carry out the intent of said section 2. Such changes shall be made on the engrossed copy of each such Act and shall be initiated by the secretary thereon."

"Section 3. That any Act of the legislature may be cited by reference to the chapter and section numbers as inserted or added or changed by the secretary of Hawaii pursuant to the provisions of said section 2 and the provisions of this resolution as the same are set forth in the printed volume of the laws enacted at any regular session of the legislature, published in book form by said secretary pursuant to the provisions of said section 2 and of this resolution."

THE LATEST REVISION OF THE STATUTE LAW WAS ENACTED IN 1945 BY ACT 1, SERIES A-1, AND IS PUBLISHED IN A VOLUME ENTITLED "REVISED LAWS OF HAWAII 1945."

(The valuable assistance of Jon Wiig in the compilation of the material in this volume is acknowledged).

CERTIFICATE

Territory of Hawaii
Office of the Secretary

I, Oren E. Long, Secretary of the Territory of Hawaii, do hereby certify that the printed Acts and Joint Resolutions set forth herein are, except as otherwise specifically noted, true and correct copies of the original Acts and Resolutions enacted by the Twenty-fifth Legislature of the Territory of Hawaii at its special session of 1949, which was convened in Honolulu on Tuesday, the twenty-sixth day of July, 1949, and adjourned sine die on Saturday, the fifteenth day of October, 1949; that all such Acts and Resolutions, except as otherwise specifically noted, were approved by the Governor of Hawaii in accordance with the provisions of the Organic Act.

I further certify that the classification of such Acts and Resolutions and the addition of supplementary chapter and section numbers and headnotes, section histories and footnotes has been done under my direction pursuant to applicable provisions of law.

I further certify that all of such Acts and Resolutions required to be promulgated by publication have been duly published in accordance with law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Territory of Hawaii on the 12th day of May, 1950.



Oren E. Long
Secretary of Hawaii

158674

CHIEF EXECUTIVE AND OFFICERS AND MEMBERS
OF THE TWENTY-FIFTH LEGISLATURE OF THE
TERRITORY OF HAWAII

SPECIAL SESSION OF 1949

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1949

LAWS OF THE TERRITORY OF HAWAII
PASSED BY THE
TWENTY-FIFTH LEGISLATURE

SPECIAL SESSION

Acts arranged in sequence with Parts A-E of the Revised Laws of Hawaii 1945; all additions, notes and brackets [] added by the Secretary of Hawaii under authority of R. L. 1945, s. 2 and of L. 1945, J. R. 4

Title 1: GENERAL LAWS.

Chapter 2. CIVIL SERVICE LAW.

PART I.

CIVIL SERVICE FOR THE TERRITORY OF HAWAII.

Series A-1: ACT 45

An Act to Amend Chapter 2 of the Revised Laws of Hawaii 1945, Relating to Civil Service, by Amending Subsection (12) of Section 68 thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection (12) of **section 68**, Revised Laws of Hawaii 1945, is hereby amended by inserting a period after the word "list" in the second sentence thereof and by deleting the remainder of that sentence as well as the remaining portions of that section, and substituting in lieu thereof the following:

"Provisional appointments shall not exceed a total of ninety days in any one year; **provided**, however, that the civil service commission of the Territory, but not of the several counties, may during the period July 1, 1949 to June 30, 1951 allow provisional appointments to extend beyond ninety days in cases where such extensions are necessary to prevent stoppage of public business or inconvenience to the public."

Section 2. This Act shall take effect upon its approval.
(Approved October 26, 1949.) **S.B. 47, Act 45.**

Note: Word "section" in line 5 of section 1, should read "subsection."

**PART V.
EMPLOYEE ASSOCIATIONS OR ORGANIZATIONS.**

Series A-2: ACT 5

An Act to Amend Section 80 of the Revised Laws of Hawaii 1945, as Amended, Relating to Associations and Organizations of Public Officers and Employees.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 80 of the Revised Laws of Hawaii 1945, as amended by Act 119, Series A-3 of the Session Laws of Hawaii 1947, is hereby further amended to read as follows:

“Sec. 80. [Government employees’ associations; designation of official association.] Membership in any association or other organization of public employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, by any person in the civil service, or the presenting by any such person or groups of persons of any grievance or proposal to the legislature or any public officer or body shall not constitute or be cause for reduction in rank or compensation or removal from said service. The right of any individual officer or employee in the civil service, or any group of officers or employees, or of officers and employees, to present grievances or to petition for redress of grievances to the legislature or any member thereof, or any other public officer or body, shall not be denied or interfered with. Further, no person in said service shall be required as a condition of employment or promotion to be a member of any association or organization.

For the purposes of submitting to the legislature and its committees and members, and all other public officers and bodies, proposals concerning compensation, hours of employment and other conditions of employment, the employees shall be authorized to select and designate, in the manner hereinafter provided, one association or organization as their sole and exclusive representative. Upon the written petition of not less than five hundred employees, the secretary of the Territory shall conduct and supervise an election to determine which association or organization shall be so selected and designated. The secretary shall give notice of such election by publishing notice thereof for three successive weeks (three insertions) in a newspaper of general circulation in the Territory published in Honolulu, the first to be not less than ninety days before

the date of election. Any association or organization that is nominated by the written petition of not less than five hundred employees shall be placed on the ballot; **provided**, however, that no such association or organization shall be placed on the ballot unless and until all of the officers, agents or other persons speaking for or on behalf of such association or organization have subscribed to the oath or affirmation provided by chapter 13 of the Revised Laws of Hawaii 1945, as amended, and filed the same with the secretary. The petition for election hereinabove referred to and the petition for nomination may be combined and the signatures made applicable to each petition. The election shall be conducted by secret ballot. The secretary shall be authorized to prescribe rules and regulations (which shall not be subject to the provisions in chapter 11 respecting rules and regulations) governing the balloting so as to preserve secrecy and prevent fraud in the casting of ballots. The association or organization receiving a majority of the votes cast shall be designated as the sole and exclusive representative of the employees for the purposes hereinabove stated. If no association or organization shall receive a majority of the votes cast, a new ballot shall be taken between the two associations or organizations receiving the highest number of votes. Not oftener than once a year and only upon the written petition of not less than five hundred employees, a new election may be held. The term 'employees' as used in this paragraph shall mean and include all officers and employees of the Territory and its political and municipal subdivisions except teachers and other persons holding certificates issued under the provisions of chapter 28, who shall be authorized to select and designate in like manner another association or organization to represent them for such purposes." [L. 1939, c. 187, s. 20; R.L. 1945, s. 80; am. L. 1947, c. 119, s. 1; am. Sp. L. 1949, c. 5, s. 1.]

Section 2. This Act shall take effect upon its approval.
(Approved August 29, 1949.) **S. B. 18, Act 5.**

Chapter 6. ELECTIONS: GENERAL.

INSPECTORS OF ELECTIONS.

Series A-3: ACT 12

An Act to Amend Section 195 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Appointment of Election Inspectors.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 195** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto the following paragraph:

"In case of inability, failure or refusal of any person so appointed to act as such inspector, the governor shall, so far as reasonably practicable, appoint a person to fill such vacancy from the same party that such person so failing to act belonged to; **provided**, however, that if it is impossible to communicate with the governor in time for him to make such appointment before the election is held, the remaining inspector or inspectors shall appoint a person or persons to fill such vacancy."

Section 2. This Act shall take effect upon its approval.

(Approved October 6, 1949.) **S.B. 35, Act 12.**

§ 195, as so amended, reads:

Sec. 195. Number, appointment, vacancies. There shall be a board of election inspectors of not less than three nor more than five members for each precinct; **provided**, however, that in precincts where more than one voting booth or voting unit has been established, there shall be two election inspectors for each such booth or unit, who with the chairman of the board of election inspectors for that precinct shall constitute the board of election inspectors for each such booth or unit. The board of election inspectors of each such booth or unit shall have authority as such inspectors only in their booth or unit.

The election inspectors shall be appointed by the governor, so far as reasonably practicable, from opposing parties, and shall be registered electors of the precinct in which they serve.

In case of inability, failure or refusal of any person so appointed to act as such inspector, the governor shall, so far as reasonably practicable, appoint a person to fill such vacancy from the same party that such person so failing to act belonged to; **provided**, however, that if it is impossible to communicate with the governor in time for him to make such appointment before the election is held, the remaining inspector or inspectors shall appoint a person or persons to fill such vacancy. [C. L. p. 809, s. 70; am. Org. Act, s. 64; R. L. 1935, s. 7664; am. L. 1943, c. 129, s. 1; R. L. 1945, s. 195; am. L. 1945, c. 244, s. 1; am. L. 1947, cc. 154, 156, ss. 1; am. L. 1949, c. 399, s. 1 (b); am. Sp. L. 1949, c. 12, s. 1.]

Chapter 11. GENERAL DEPARTMENTAL REGULATIONS.

PUBLIC RECORDS, COSTS AND FEES.

Series A-4: ACT 23

An Act to Amend Section 458 of the Revised Laws of Hawaii 1945, as Amended, Relating to Costs and Fees for Copies of Public Documents.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 458** of the Revised Laws of Hawaii 1945, as amended by Act 248 of the Session Laws of Hawaii 1945 and Act 345 of the Session Laws of Hawaii 1949, is hereby further amended by amending subdivision numbered "5" thereof to read as follows:

"5. One dollar for the certification to any copy, when such certification is required or requested; **provided**, however, that when so required or requested the fee for the certification to a copy, on a printed form, of letters of administration, letters testamentary, or order of probate shall be twenty-five cents;"

Section 2. This Act shall take effect upon its approval.

(Approved October 18, 1949.) **S.B. 51, Act 23.**

§ 458. **Copies of public records; costs and fees.** AM. L. 1949, Act 345 [A-12], pp. 26, 27. See Session Laws of 1949, regular session, for remainder of section.

GOVERNOR'S EMERGENCY POWERS.

Series A-5: ACT 21

An Act Empowering the Governor and His Authorized Representatives to Take Measures to Make Available Necessary Commodities in an Emergency and to Take Measures Incidental Thereto; Making it a Misdemeanor to Deceive or Attempt to Deceive the Governor or Such Representatives in the Ascertainment of Facts for Use in Administering This Act; and Making an Appropriation for the Purposes of This Act.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 499.01.] Section 1. **"Emergency" defined.** As used in this Act, unless otherwise indicated by the context, "emergency" means any state of affairs or circumstances which imperils the availability to the public of commodities necessary to public health, safety, or welfare. [Sp. L. 1949, c. 21, s. 1.]

[Sec. 499.02.] Section 2. **Powers in an emergency.** In the event the governor declares that an emergency as defined in section 1 exists, he or his authorized representatives, in order to make available commodities necessary to the public health, safety, or welfare, may :

(a) Whenever the availability of shipping space depends upon determination, by the governor or his authorized representatives, of the emergency needs of the population, allocate such space to and among types of commodities and consignees, such distribution of space among consignees to be upon an equitable basis so far as reasonably practicable.

(b) Charter or affreight a ship or ships, make any other arrangements, including contracts of guaranty, for the procurement of ships and any other means of transportation, and transport cargoes to the Territory. Cargoes from the Territory may be transported on any return voyage.

(c) Purchase and resell, or otherwise distribute commodities. [Sp. L. 1949, c. 21, s. 2.]

[Sec. 499.03.] Section 3. **Charges.** Whenever under this Act any transportation or services are furnished or commodities sold by the Territory, such charges shall be made and collected therefor as will compensate the Territory for its expenditures in connection therewith. Any moneys so realized are hereby reappropriated for the purposes of this Act, and may be expended or allotted in the same manner as the appropriation made by this Act. [Sp. L. 1949, c. 21, s. 3.]

[Sec. 499.04.] Section 4. **Personnel, delegation of powers.** The governor may appoint or employ boards, agencies, officers, employees and other persons, or any of them, for the purpose of carrying out the provisions of this Act, and may delegate to such boards, agencies or persons, or to any government board, agency, officer or employee, territorial or otherwise, any of his duties or powers under this Act.

All such officers and employees employed on a temporary basis, whether or not employed by contract, shall be exempt from and not subject to nor entitled to the benefits of the provisions of chapters 2, 3, 12 and 15 of the Revised Laws of Hawaii 1945, or any other law which is inapplicable to temporary employees of the Territory. [Sp. L. 1949, c. 21, s. 4.]

[Sec. 499.05.] Section 5. **Contributions.** The governor or his authorized representative may receive, expend or use contributions or grants in money or property, or special contributions thereof for special purposes provided for by this Act, and may establish suitable funds in the treasury for the deposit and expenditures of such moneys. Such contributions

or grants are hereby appropriated for the purpose of this Act, or for such special purposes, as the case may be. [Sp. L. 1949, c. 21, s. 5.]

[**Sec. 499.06.**] Section 6. **Investigations, surveys.** The governor and his authorized representative shall have the power to make investigations and surveys for the purpose of ascertaining facts to be used in administering this Act, and in making such investigations and surveys, may require the making, filing or keeping of applications, schedules, records, reports or statements, under oath or otherwise, administer oaths, take evidence under oath, subpoena witnesses, and require the production of books, papers and records. Witnesses shall be allowed their fees and mileage as in cases in the circuit courts. The circuit court of any circuit or judge thereof shall have power to enforce by proper proceedings the attendance and testimony of any witness subpoenaed to appear within the circuit, or the production of such books, papers and records. [Sp. L. 1949, c. 21, s. 6.]

[**Sec. 499.07.**] Section 7. **Fraud, misdemeanor.** Any person required by the governor or his authorized representative, pursuant to section 6 of this Act, to make, keep or file any application, schedule, record, report or statement, whether or not under oath, who shall intentionally make, file or keep a false or fraudulent application, schedule, record, report or statement or shall intentionally conceal therein any material fact, and any person who shall in any other manner intentionally deceive or attempt to deceive the governor or his authorized representative with respect to any fact to be used in administering this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months or by both such fine and imprisonment. [Sp. L. 1949, c. 21, s. 7.]

[**Sec. 499.08.**] Section 8. **Appropriation.** There is hereby appropriated from the general revenues of the Territory for the purposes of this Act the sum of ten thousand dollars. Such appropriation may be augmented from the governor's contingent fund. The governor may allot moneys appropriated by this Act to any board, agency, officer or employee created, appointed or employed under the provisions of this Act or to any government board, agency, officer or employee to whom powers or duties have been delegated pursuant to this Act, to be expended upon its or his own vouchers in carrying out the provisions of this Act.

Moneys appropriated by this Act may be expended for personal services of officers, employees, or other persons, current

expenses, equipment, or any of the purposes of this Act. [Sp. L. 1949, c. 21, s. 8.]

Section 9. **Effective date.** This Act shall take effect upon its approval.

(Approved October 18, 1949.) **S.B. 36, Act 21.**

Chapter 12. LEAVES OF ABSENCE; VACATIONS.

Series A-6: ACT 36

An Act Amending Chapter 12 of the Revised Laws of Hawaii 1945, as Amended, and Relating to Overtime Work of Government Officers and Employees.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 12 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section, to be appropriately numbered by the secretary of Hawaii, and to read as follows:

"Sec. 553.01. Compensatory time off for overtime work.

Any officer or employee of the Territory, its political subdivisions (which term shall mean and include the city and county of Honolulu and the counties of Maui, Hawaii and Kauai), and the independent boards or commissions of both may be granted compensatory time off for work in excess of his normal work week; **provided** that such time off shall not exceed the number of hours of excess time worked; and, **provided**, further, that no compensatory time off shall be granted if it would adversely affect the furnishing of government service." [Sp. L. 1949, c. 36, s. 1.]

Section 2. This Act shall not be construed to limit the power of any political subdivision to provide by ordinance for the payment of per diem employees for overtime work at rates in excess of normal.

Section 3. This Act shall take effect upon approval.

(Approved October 24, 1949.) **H.B. 61, Act 36.**

Chapter 12A. LEGISLATIVE HEARINGS AND PROCEDURE.

Series A-7: ACT 40

An Act Relating to Legislative Procedure and the Powers and Duties of Legislative Officers, Providing for the More Effective Enforcement of the Process of the Houses and Committees of the Legislature and of the Powers of Said Houses or Committees to Compel the Attendance and Testimony of Witnesses and the Production of Evidence, and for the Punishment of Contempts and Other Violations of This Act, Authorizing the Accumulation of Data for Legislation.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 570.] Section 1. **Oaths to witnesses.** The President of the Senate, the Speaker of the House of Representatives, or a chairman (or acting chairman) of any joint committee established by a joint or concurrent resolution of the two Houses of the Legislature, or of a committee of the whole, or of any committee of either House of the Legislature of the Territory, is empowered to administer oaths to witnesses in any case under their examination. Any member of either House of the Legislature may administer oaths to witnesses in any matter depending in the House, or any committee of such House, of which he is a member. [Sp. L. 1949, c. 40, s. 1.]

[Sec. 571.] Section 2. **Refusal of witnesses to make oath or affirmation or to testify; perjury.** Every person who, having been summoned as a witness by the authority of either House of the Legislature to give testimony or to produce papers upon any matter under inquiry before either House, or before any joint committee established by a joint or concurrent resolution of the two Houses of the Legislature, or before any committee of either House of the Legislature, willfully makes default or who, having appeared, refuses to make oath or affirmation or to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment in a county jail for not more than twelve months, or by both such fine and imprisonment. False swearing upon any material fact by any witness before any such House or committee shall constitute perjury and be punished as such. [Sp. L. 1949, c. 40, s. 2.]

[Sec. 572.] Section 3. **Privilege of witnesses.** No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of the Legislature, or by any joint committee established

by a joint or concurrent resolution of the two Houses of the Legislature, or by any committee of either House, upon the ground that his testimony to such fact or his production of any such paper may tend to disgrace him or otherwise render him infamous. [Sp. L. 1949, c. 40, s. 3.]

[Sec. 573.] Section 4. **Witnesses failing to testify or produce records.** Whenever a witness summoned as mentioned in section 2 fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House, or before any joint committee established by a joint or concurrent resolution of the two Houses of the Legislature, or before any committee of either House of the Legislature, and the fact of such failure or failures is reported to either House while the Legislature is in session, it shall be the duty of such President or Speaker to certify, and he shall so certify, a statement of such facts under his signature as such President or Speaker, as the case may be, to the attorney general, whose duty it shall be to prosecute the offender in any appropriate court of the Territory. When the Legislature is not in session, a statement of the facts constituting such failure shall be certified by the chairman or acting chairman of the committee concerned, under his signature, to the attorney general, whose duty it shall be to prosecute the offender as aforesaid. [Sp. L. 1949, c. 40, s. 4.]

[Sec. 574.] Section 5. **[Sergeants-at-arms; powers and duties.]** The sergeant-at-arms of each House of the Legislature, and each of his deputies appointed by authority of said House, shall be empowered, and it shall be his duty:

1. To attend such House during its sittings;
2. To maintain order under the direction of the Speaker, President or other presiding officer of such House;
3. Under the direction of the clerk of such House, to execute the commands of such House and all processes issued by authority thereof, directed to him by the Speaker, President or other presiding officer of such House, or by the chairman or acting chairman of any joint committee established by a joint or concurrent resolution of the two Houses of the Legislature, or by the chairman or acting chairman of any committee of either House. In such connection the sergeant-at-arms and each of his said deputies shall have all the powers and authority of a police officer appointed under chapter 23 of the Revised Laws of Hawaii 1945. [Sp. L. 1949, c. 40, s. 5.]

[Sec. 575.] Section 6. **[Same; badge.]** The symbol of

the office of the sergeant-at-arms of each House of the Legislature shall be a metal badge in such form as such House shall adopt, bearing the words, among others, "Sergeant-at-Arms of the Senate, Territory of Hawaii," or "Sergeant-at-Arms of the House of Representatives, Territory of Hawaii," as the case may be, and shall be displayed by him in enforcing or carrying out his duties. [Sp. L. 1949, c. 40, s. 6.]

[Sec. 576.] Section 7. [Power to take testimony; issue subpoenas; service of process.] The President or Speaker or other presiding officer of either House of the Legislature, and the chairman or acting chairman of any joint committee established by a joint or concurrent resolution of the two Houses of the Legislature, or of a committee of the whole, or of any committee of either House of the Legislature, when such committee has been authorized by the House or Houses, as the case may be, to take testimony or other evidence, shall have power to issue subpoenas requiring the attendance of witnesses or the production of books, documents or other evidence, in any matter pending before the House, or committee, as the case may be.

Any subpoena, warrant of arrest or other process issued under the authority of any House or of both Houses of the Legislature shall run in the name of the Territory of Hawaii and shall be addressed to any or all of the following officers; the sergeant-at-arms of either House of the Legislature; the sergeant-at-arms of both Houses of the Legislature (in the case of a subpoena issued in behalf of a joint committee of both Houses); the high sheriff of the Territory or his deputies; the sheriff or chief of police of any county or his deputies; any police officer of the Territory or any county. Such subpoena, warrant or other process shall be signed by the officer authorized to issue the same, shall set forth his official title, shall contain a reference to the rule, or joint, concurrent or other resolution, or other means, by which the taking of testimony or other evidence, or the issuance of such warrant or other process, was authorized, and shall, in the case of a summons or subpoena, set forth in general terms the matter or question with reference to which such testimony or other evidence is to be taken. It shall be the duty of any officer to whom such process is directed, if within his territorial jurisdiction, forthwith to serve or execute the same upon delivery thereof to him, without charge or compensation, except as hereinafter provided. The House (or both Houses of the Legislature in the case of a subpoena or process issued by a joint committee) shall compensate or reimburse any officer serving or executing such subpoena or process for his actual expenses, if any, in connection therewith, and may, in its discretion, compensate or reimburse any witness or other

person attending pursuant to such subpoena or process, for his time or expenses or both. [Sp. L. 1949, c. 40, s. 7.]

[**Sec. 577.**] Section 8. [**Holdover committees, powers extended to.**] This Act shall apply, not only to proceedings during a session of the Legislature, or of the Senate when the Senate alone is called into session, but also, as far as may be, to proceedings before a holdover committee of either or both of the Houses of the Legislature when the Legislature is not in session. [Sp. L. 1949, c. 40, s. 8.]

[**Sec. 578.**] Section 9. [**Government officers and employees to cooperate.**] It shall be the duty of the officers and employees of the Territory of Hawaii and of the city and county of Honolulu and of each county of the Territory to cooperate with any such holdover committee or committees or with their representatives and to furnish to them or to their representatives such information as may be called for in connection with the research activities of the committees. [Sp. L. 1949, c. 40, s. 9.]

Section 10. **Effect of invalidity.** If any portion of this Act, or the application thereof to any person or circumstance, shall be held unconstitutional or invalid, the remainder of this Act, or the application of such portion to other persons and circumstances, shall not be affected.

Section 11. This Act shall take effect upon its approval.
(Approved October 24, 1949.) **H.B. 101, Act 40.**

Chapter 15. RETIREMENT SYSTEM.

Series A-8: ACT 27

An Act to Amend Section 710 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Retirement System.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 710** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding to subsection (2) thereof a new subparagraph to read as follows:

“(m) Street or improvement district bonds of any district or project in the Territory.”

Section 2. This Act shall take effect upon its approval.
(Approved October 20, 1949.) **H.B. 83, Act 27.**

§ 710. **Custody and investment of funds; protection of securities.** Am. L. 1947, Act 233 [A-24], and L. 1949, Act 297 [A-24]. See Session Laws of 1947, pp. 585-587.

Chapter 15A. STRIKES AGAINST GOVERNMENT, PROHIBITED.

Series A-9: ACT 42

An Act Relating to Government Employment, Prohibiting Strikes, Stoppage, Slowdown, Retardation or Other Concerted Interruption of Work or Services Therein, and Providing for Remedies of the Government Against Violations of this Act.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 730.] Section 1. **Definitions.** As used herein, unless otherwise indicated by the context:

“Government” means the Territory, its political subdivisions, and any officer, board, commission, or other agency of the Territory or a political subdivision thereof, whether performing or engaged in governmental or proprietary operations or functions.

“Government employee” means one employed by the government, including the holder of an appointive office.

“Strike” means the temporary stoppage of work, slowdown, or retarding of work or services by the concerted action of employees. [Sp. L. 1949, c. 42, s. 1.]

[Sec. 731.] Section 2. **Acts, activities and conduct prohibited.** It shall be unlawful:

(a) For any government employee to participate in any strike against the government; or

(b) For any person, by picketing or otherwise, to instigate, induce, procure, order, direct, coerce, or incite any violation of this Act, or to undertake or concert with another to violate this Act. [Sp. L. 1949, c. 42, s. 2.]

[Sec. 732.] Section 3. **Dismissal, etc.** Any individual employed by the government who violates any provision of this Act may be dismissed, suspended, or reduced in rank or compensation. [Sp. L. 1949, c. 42, s. 3.]

[Sec. 733.] Section 4. **Enforcement.** The provisions of this Act shall be enforceable by injunction proceedings as herein provided. The attorney general, at his own instance or at the request of the governor or any other officer, board, commission, or other agency of the government, in the event any person shall be violating any provision of this Act, or there shall be reasonable cause to believe that such person is about to violate any provision of this Act, shall institute appropriate proceedings before a court having equity jurisdiction, to enjoin any acts, activities or conduct forbidden by this Act. Juris-

diction to hear and dispose of all actions under this Act is hereby conferred upon each circuit judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this Act. All such suits shall be brought in the name of the Territory by the attorney general, or in the name of a political subdivision of the Territory, or both, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee, agent or representative of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court, compensatory or punitive damages may be awarded to the government, or such other proceedings may be had as the court may deem proper. The appropriate county attorney shall at the request of the attorney general conduct any proceeding provided for by this section. This section shall not be construed as precluding the attorney general, or at his request the county attorney, from resorting to any other remedies or proceedings which may be appropriate, the attorney general being hereby authorized to represent, or to cause the county attorney to represent, the government in all such matters, and to resort to any or all of the applicable remedies and proceedings, according to his best judgment. [Sp. L. 1949, c. 42, s. 4.]

[Sec. 734.] Section 5. **Construction of Act.** Nothing in this Act shall be construed to require an individual employee to perform work or services without his consent, nor shall anything in this Act be construed to make the quitting of government employment by an individual employee an illegal act. [Sp. L. 1949, c. 42, s. 5.]

Section 6. **Separability.** If any phrase, clause, sentence, subsection, section, provision or part of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more other phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

Section 7. **Application of other laws.** This Act shall not

apply to any government employment which is protected from strikes therein by any other Act, so long as, but only so long as, such other Act applies thereto.

Section 8. **Effective date.** This Act shall take effect upon its approval.

(Approved October 26, 1949.) **S.B. 19, Act 42.**

Title 2. AGRICULTURE AND FORESTRY, AND FISHING.

Chapter 19. FISHING AND MARINE LIFE.

INTRODUCED FRESH WATER GAME FISH.

Series A-10: ACT 57

An Act Relating to Fishing; Repealing Act 348 of the Session Laws of Hawaii 1949, Relating to Sport Fishing; Requiring Licenses for Fishing for, Taking or Catching Any Introduced Fresh Water Game Fish; Authorizing the Examination and Search of Bags, Containers, Vehicles and Conveyances Used to Carry and Transport Fish; and Providing Penalties and for Forfeitures.

Be it Enacted by the Legislature of the Territory of Hawaii:

[**Sec. 1241.01.**] Section 1. [**Introduced fresh water game fishing; license.**] No person shall fish for, take or catch any introduced fresh water game fish without first procuring a license, and holding a valid unrevoked license, pursuant to the provisions of this Act. [Sp. L. 1949, c. 57, s. 1.]

[**Sec. 1241.02.**] Section 2. [**License; application; fees; restrictions.**] The licenses required by section 1 of this Act and badges shall be issued by agents of the board of commissioners of agriculture and forestry upon written application in such form as may be prescribed by said board and the payment of a fee as hereinafter provided. The application shall require a statement under oath of the applicant's name, address, domicile or residence, length of residence in the Territory, age, race, height, weight, and color of hair and eyes. All such licenses and badges shall expire and become void on June 30, following the date of issuance. A duplicate license or badge may be issued upon affidavit that the original license or badge has been lost or destroyed and upon payment of fifty cents. The fee for such license shall be (a) two dollars and fifty cents for any person who is a resident of the Territory and (b) five dollars for all others.

No person to whom such license or badge has been issued shall permit any other person to carry, display or use such license or badge in any way. Every person to whom such license or badge has been issued shall display the badge while fishing or show the license upon demand of any officer authorized to enforce the fish and game laws of the Territory; and any person who fails to do so shall be guilty of a violation of this Act. [Sp. L. 1949, c. 57, s. 2.]

[**Sec. 1241.03.**] Section 3. [**Rights of inspection of catch.**] The director and any agent of the division of fish and game of the board of commissioners of agriculture and forestry and any police officer shall have the right, for purposes of investigation and inspection, to examine the contents of any bag or container of any kind used to carry fish and to examine and search any vehicle or conveyance used to transport fish. Any person who shall wilfully refuse to permit such examination or search or wilfully interfere with the director or any agent of the division of fish and game or any police officer in the exercise of any authority conferred by this Act shall be guilty of a violation of the provisions of this Act. [Sp. L. 1949, c. 57, s. 3.]

[**Sec. 1241.04.**] Section 4. [**Penalties.**] Any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars or by imprisonment of not more than sixty days, or by both such fine and imprisonment. In addition, the license of any person convicted of a violation of any provision of this Act or of any other law relating to fishing or the conservation thereof shall be revoked by the court and no such person shall be issued another such license until June 30 following the date of such revocation. [Sp. L. 1949, c. 57, s. 4.]

Section 5. **Act 348** of the Session Laws of Hawaii 1949 is hereby repealed.

Section 6. This Act shall take effect on July 1, 1950; **provided**, however that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

(Approved October 31, 1949.) **H.B. 21, Act 57.**

COMMERCIAL FISHING.

Series A-11: ACT 51

An Act Amending Section 1256 of the Revised Laws of Hawaii 1945, as Amended, Relating to Commercial Fishing.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 1256** of the Revised Laws of Hawaii 1945, as amended, is hereby amended by amending the definition of "commercial fishing" to read as follows:

"'Commercial fishing' means the fishing for, or taking of, fish as a chief means of livelihood or principally for profit or gain, provided such fish are taken in territorial waters or landed in the Territory."

Section 2. This Act shall take effect upon its approval.
(Approved October 26, 1949.) **H.B. 66, Act 51.**

§ 1256, as so amended, reads:

Sec. 1256. Definitions. When used in this subtitle:

"Commercial fishing" means the fishing for, or taking of, fish as a chief means of livelihood or principally for profit or gain, provided such fish are taken in territorial waters or landed in the Territory.

"Commercial fisherman" means a person who has been issued a commercial fishing license as in this subtitle provided.

"Division" means the division of fish and game of the board of commissioners of agriculture and forestry.

"Excess catch sale" means the sale of any fish caught by any person other than a commercial fisherman. [L. 1929, c. 187, s. 1; R. L. 1945, s. 1256; am. L. 1947, c. 39, s. 1; am. L. 1949, c. 272, s. 1; am. Sp. L. 1949, c. 51, s. 1.]

Chapter 20. FOOD PRODUCTS.

Series A-12: ACT 56

An Act Amending Act 117, Session Laws of Hawaii 1949, Relating to the Board of Commissioners of Agriculture and Forestry: Regulating the Class, Quality, Condition, Size, Container, Packing and Shipment of Island Grown Fresh Fruits, Vegetables, and Nuts to Points Outside of the Territory; Providing for Minimum Grade and Container Standards for Such Shipments and Compulsory Inspection Thereof; Authorizing the Assessment and Collection of Fees

and Other Charges; Providing Penalties and Making Appropriations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 117 of the Session Laws of Hawaii 1949 [Series A-42], is hereby amended as follows:

(a) By amending the title thereof to read as follows:

“An Act Relating to the Board of Commissioners of Agriculture and Forestry: Regulating the Class, Quality, Condition, Size, Container, Packing and Shipment of Island Grown Fresh Fruits, Vegetables, and Nuts to Points Outside of the Territory; Providing for Minimum Grade and Container Standards for Such Shipments and Compulsory Inspection Thereof; Providing Penalties and Making Appropriations.”

(b) By amending section 3 thereof to read as follows:

[Sec. 1313.03.] “Section 3. **Rules and regulations.** The board shall have all powers necessary to carry out and effectuate this Act, including the power to establish, prescribe, modify or alter, by rule and regulation, such grades, standards and classifications as shall be the minimum requirement for fresh fruits, vegetables and nuts destined for shipment outside the Territory, and such containers as are used for such shipments. The standards, grades and classifications so established shall be on the basis of what the board may deem best suited to the agricultural, horticultural, or other interests of the Territory and the inhabitants thereof.” [L. 1949, c. 117, s. 3; am. Sp. L. 1949, c. 56, s. 1 (b).]

(c) By deleting the first fourteen words of section 6 thereof, and inserting in the place of said words the following:

[Sec. 1313.06.] “Section 6. **Disposition of moneys collected.** Any moneys . . .”.

Section 2. This Act shall take effect upon its approval.

(Approved October 31, 1949.) **S.B. 65, Act 56.**

Title 6. HEALTH.

Chapter 59.01. PUBLIC HEALTH STATISTICS.

Series A-13: ACT 34

An Act Amending Act 327 of the Session Laws of Hawaii 1949, Relating to the Furnishing of Certified Copies of Certain Records to Veterans and Others.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 18 of Act 327 [Series A-92] of the Session Laws of Hawaii 1949 is hereby amended to read as follows:

[Sec. 3100.18.] “Section 18. **Fees for certified copies and searches; Transcripts for United States Public Health Service, National Office of Vital Statistics; Certified copies for veterans and others.**

(a) The board shall prescribe the fees, if any, to be paid for certified copies of certificates except that in no case shall the total fee for a certified copy exceed one dollar (\$1.00), or for a search of the files and records when no certified copy is made; **provided**, however, that the registrar general shall furnish, free of charge, a certified copy of any of said records, or a certification of birth, to any veteran of the armed forces of the United States, his wife, any member of the immediate family of a veteran, or the next of kin of a deceased veteran, when required for use in connection with a claim based on service in the armed forces of the United States. Subject to sections 20, 21 and 22, the United States Public Health Service, National Office of Vital Statistics, may obtain transcripts or, without payment of fees, certified copies, provided the Territory is put to no expense in connection therewith.

(b) The registrar general shall keep an account of all fees collected and shall deposit same to the general fund of the Territory.” [L. 1949, c. 327, s. 18; am. Sp. L. 1949, c. 34, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved October 24, 1949.) **H.B. 37, Act 34.**

Title 8: INSTITUTIONS

Chapter 68. PRISONS, JAILS, ADMINISTRATION;
PRISONERS.**Series A-14: ACT 44**

An Act Relating to the Duties of the County and City and County Jailors and Amending Section 3906, Revised Laws of Hawaii 1945.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 3906** of the Revised Laws of Hawaii 1945 is hereby amended by amending the last sentence thereof to read as follows:

“Said officers of each county shall be responsible for the safe keeping of all prisoners and persons who may be confined in or committed to any county jail within his county, or who may be charged with the commission of a criminal offense pending trial in the case of a misdemeanor, or preliminary hearing in the case of a felony.”

Section 2. This Act shall take effect upon its approval.

(Approved October 26, 1949.) **S.B. 66, Act 44.**

§ 3906, as so amended, reads:

Sec. 3906. Jailors, appointment, etc. Except as may be otherwise provided by law, the respective chiefs of police of the counties, excepting the city and county of Honolulu and there the sheriff, shall appoint all jailors in their respective counties. Said officers of each county shall be responsible for the safe keeping of all prisoners and persons who may be confined in or committed to any county jail within his county, or who may be charged with the commission of a criminal offense pending trial in the case of a misdemeanor, or preliminary hearing in the case of a felony. [C. C. 1859, s. 207; am. L. 1909, c. 102, s. 1; R. L. 1925, s. 1514; am. L. 1931, c. 125, s. 1; am. L. 1932, 1st, c. 17, s. 6; R. L. 1935, s. 6401; R. L. 1945, s. 3906; am. Sp. L. 1949, c. 44, s. 1.]

Title 9: LABOR.

Chapter 73A. LABOR DISPUTES, STEVEDORING
INDUSTRY.**Series A-15: ACT 62**

An Act Relating to the Stevedoring Industry (Herein Defined to Include Terminal and Other Related Services); Declaring Such Industry to Be Essential to the Public Health, Safety and Welfare; Declaring That Strikes, Lockouts, Stoppages, Slow-

downs, or Retardation of Service in Said Industry Imperil the Public Health, Safety and Welfare; Providing for the Peaceful Settlement of Labor Disputes in Said Industry; Prohibiting Strikes, Lockouts, Stoppages, Slowdowns, or Retardation of Service in Said Industry, Except Under Prescribed Conditions; Providing for the Territory of Hawaii to Seize and Take Possession of and Operate the Plants and Other Facilities, Including Related Facilities, of Such Stevedoring Industry in the Event of Strikes, Lockouts, Stoppages, Slowdowns, or Retardation of Service in Such Industry; Making Provisions Against Interference With the Conduct of Such Operations by the Territory by Strikes, Boycotts, Picketing, or Other Means; Conferring Certain Powers and Imposing Certain Duties Upon the Governor of the Territory of Hawaii in Regard to Such Industry, Before and During Such Strikes, Lockouts, Stoppages, Slowdowns, or Retardation of Service; Providing for Injunctions and Other Remedies of the Government to Enforce the Provisions of This Act and Criminal Penalties for Violations of Certain Provisions Hereof; Making an Appropriation and Providing Other Funds in Connection Herewith.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 4180.01.] Section 1. **Findings and declarations of legislature.** The legislature of the Territory of Hawaii finds that the continuous furnishing of stevedoring services, together with all related services (including terminal services) necessary to the loading and unloading and arrival and departure of vessels at ports in the Territory of Hawaii, is essential to the public health, safety and welfare. The legislature finds that the settlement of industrial disputes between employers and employees in the stevedoring industry is affected with a public interest; that the industrial disputes in such industry have been and are extremely damaging to the public health, safety and welfare; that special provisions for the handling of such disputes are required and that the provisions of this Act for the settlement of such disputes and for the protection of the public are necessary in the public interest. In making these findings the legislature has taken into consideration, in addition to the foregoing, the geographical isolation of these islands and their dependence upon imports and exports for the necessities of life and the functioning of their essential economy, and the fact that continuous ocean shipping is a life line essential to the existence of the community. It is hereby declared as the public

policy of this Territory that the best interests of the people of the Territory are served by the prevention or prompt settlement of labor disputes in the stevedoring industry; that strikes, lockouts, stoppages, slowdowns, or retardation of service in the stevedoring industry, regardless of where the merits of the controversy lie, are detrimental to and imperil the public health, safety and welfare; that while the public is not a direct party to such labor disputes, its interests and rights should always be considered and protected; that the preservation of the process of free collective bargaining between the parties to such labor disputes provides the best method for the prompt and orderly settlement of such disputes; that when the parties to such labor disputes do not settle such disputes and strikes, lockouts, stoppages, or retardation of service in the stevedoring industry do occur, it is necessary that the governor be authorized to seize, take over and operate the plants and other facilities, including related facilities, of the stevedoring companies involved in the dispute, as he may deem necessary, to keep open to commerce the ports of the Territory of Hawaii; and that the provisions herein with respect to the settlement of such labor disputes, prevention of strikes, lockouts, stoppages, slowdowns or retardation of service, and the other provisions hereof will best tend to promote the health, safety and welfare of the Territory. [Sp. L. 1949, c. 62, s. 1.]

[**Sec. 4180.02.**] Section 2. **Definitions.** As used in this Act unless the context clearly indicates otherwise:

(a) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees or receivers.

(b) "Stevedoring industry" means the business of furnishing services for the loading and unloading of cargo transported or to be transported on vessels and other craft, at any ports within the Territory of Hawaii, and also means the business of furnishing related services, as hereinafter defined.

(c) "Stevedoring services" means services for the loading and unloading of cargo transported or to be transported on vessels and other craft and the handling of lines of vessels and other craft, at any ports within the Territory of Hawaii.

(d) "Related services" means and includes all services, other than stevedoring services, ordinarily or necessarily performed in regard to cargo, goods, wares, and merchandise of every kind arriving at a terminal facility for shipment by or discharge from vessels and other craft; and "related facilities" means and includes all facilities in connection therewith.

(e) "Company" and "stevedoring company" shall mean any persons engaged in the stevedoring industry as an employer

whether in the business of furnishing stevedoring services or related services or both.

(f) "Dispute" and "labor dispute" mean any controversy concerning wages, hours or other terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours, or other terms or conditions of employment.

(g) "Director" means the director of labor and industrial relations of the Territory of Hawaii.

(h) "Strike" means the temporary stoppage of work, slow-down, or retarding of production or operations by the concerted action of employees.

(i) "Lockout" means the refusal of an employer to furnish work to employees as the result of a labor dispute between such employer and its employees.

(j) "Labor organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

(k) "Bargaining unit" shall mean the unit appropriate for the purposes of collective bargaining as determined under the Federal Labor Management Relations Act, as amended from time to time.

(l) "Employer" shall mean any person who employs the services of employees in the stevedoring industry, but shall not include the Territory or any agency thereof.

(m) "Employee" shall mean any person employed by an employer.

(n) "Representative" means any person designated either by an employer or by employees, to act for him or them.

(o) "Terminal facility" means any dock, wharf, pier, quay, bulkhead or landing, with the appurtenances thereto, and any warehouse used in connection therewith. [Sp. L. 1949, c. 62, s. 2.]

[Sec. 4180.03.] Section 3. Duty to avoid lockouts and strikes by collective bargaining.

In order to avoid any interruption of services in the stevedoring industry, it shall be the duty of each employer and its employees and their respective representatives to use the processes of conference and collective bargaining in the settlement of all disputes between the employer and its employees without resort to lockout or strike. [Sp. L. 1949, c. 62, s. 3.]

[Sec. 4180.04.] Section 4. Notice of impasse required; effect of collective bargaining agreements.

(a) When an impasse is reached in any dispute between an employer and its employees, either party to the dispute claiming the existence of an impasse shall notify the director in writing of the existence of such impasse. The notice shall contain a clear and concise statement of each issue on which an impasse has been reached, and a certificate as to the good faith of said notice and the statements contained therein, which certification shall be made by the representatives actively engaged in the conduct of negotiations for the party filing the notice. A copy of the notice shall be delivered to the other party to the dispute simultaneously with delivery of notice to the director.

(b) Sections 4 to 11, inclusive, shall not apply in any case where there exists a collective bargaining agreement between an employer and its employees, except where:

(i) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such a dispute; or

(ii) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts following such negotiation and failure to arrive at an agreement. [Sp. L. 1949, c. 62, s. 4.]

[Sec. 4180.05.] Section 5. **Appointment of mediator.**

(a) Following receipt of a notice of impasse from either party as specified in section 4, the director shall within five days appoint a mediator who shall expeditiously meet with the disputing parties or their representatives and shall exert every reasonable effort to effect a prompt settlement of the labor dispute.

(b) The mediator, unless he is an employee of the department of labor and industrial relations, shall receive compensation at a rate to be fixed by the director but not less than \$25.00 for each day actually spent by him in mediation, together with necessary travel and subsistence expense. Payment shall be made by the director out of funds allotted to him as hereinafter provided.

(c) In the discretion of the director, he may appoint a board of mediation consisting of not more than three members, which shall have all of the powers, duties and functions of the medi-

ator herein provided for, and each member of the board shall receive the compensation of a mediator. [Sp. L. 1949, c. 62, s. 5.]

[Sec. 4180.06.] Section 6. Mediation.

(a) The mediator shall use his best efforts to bring the parties into agreement and shall continue his intervention until such time as he is convinced further efforts would be unsuccessful, but in any case he shall report the results of his mediation to the director not later than thirty days after his appointment, and the director shall advise the governor thereof.

(b) Thereafter and until the dispute is settled, whenever requested by the parties or the governor, the director shall make available the services of a mediator, who shall resume efforts to bring the parties to agreement. [Sp. L. 1949, c. 62, s. 6.]

[Sec. 4180.07.] Section 7. Employer's final offer; vote by employees.

(a) Within five days after the mediator reports to the director and if the dispute is not settled, each employer involved in the dispute shall submit to the director a written statement of his final offer of settlement.

(b) Within fifteen days following the date the mediator reports to the director, the director shall take a secret ballot of all employees engaged in stevedoring services, or related services, as the case may be, in each bargaining unit (whether or not such employees are members of the labor organization representing such bargaining unit) which is involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him, and shall certify the results thereof to the governor. The voting shall be conducted and supervised by the director under rules and regulations promulgated by him. The director shall have power and authority to promulgate and shall promulgate rules and regulations as provided in section 21 covering the conduct of such voting. Such rules and regulations shall facilitate voting by all such employees, but shall also insure secrecy of the ballot. The director shall also have the power and the authority to determine, after proper hearing (which may be held either before or after a vote and may be conducted by a duly authorized representative of the director), any dispute concerning the eligibility of a person or persons to vote. If the director finds that the number of votes cast by ineligible voters could have affected the result of the vote, he shall conduct a new secret ballot as soon as possible; the procedure on the new balloting shall be the same as on the original ballot. [Sp. L. 1949, c. 62, s. 7.]

[Sec. 4180.08.] Section 8. Appointment of emergency board.

(a) Within five days after the vote of the employees is certified to the governor and if the dispute is not settled, the governor shall appoint a board to investigate the dispute, which shall be known as an emergency board. The board shall be composed of a chairman and such other members as the governor shall determine, but not more than five persons, including the chairman. Whenever there are, in a bargaining unit involved in the dispute which the board is appointed to investigate, employees not engaged in stevedoring or related services as well as employees engaged in stevedoring or related services, the governor may, in his discretion, direct the board to investigate the entire dispute, and, if the governor so directs, all of the provisions of sections 8, 9 and 10 shall apply to the entire matter under investigation.

(b) Members of the board shall each receive compensation at the rate of \$25.00 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expense. The director shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions. Payment of compensation of members of emergency boards and other expenses incurred under this section shall be made by the director out of funds allotted to him as hereinafter provided. [Sp. L. 1949, c. 62, s. 8.]

[Sec. 4180.09.] Section 9. Hearings; report.

(a) The emergency board shall notify the employer and the employees or their representatives of the time and place for commencement of hearings, which hearings must commence within five days from the date of its appointment.

(b) Each board shall conduct such hearings either in public or in private as it may deem necessary or proper to ascertain the facts with respect to the cause and circumstances of the dispute.

(c) Within five days from the date of termination of the hearings, but in any event not later than twenty-five days after its appointment, the board shall submit to the governor a written report of its findings and recommendations. The governor may thereupon confer with the parties respecting the board's recommendations and attempt to effect a settlement of the dispute. Within five days from the receipt of such report and if no agreement is reached during this period, the governor shall make the report public. [Sp. L. 1949, c. 62, s. 9.]

[Sec. 4180.10.] Section 10. Powers of board; evidence, witnesses; subpoenas, etc.

(a) Each emergency board shall have power to hold hearings at any place within the Territory, subpoena witnesses and compel their attendance, compel the production of books and papers, administer oaths, take testimony and receive evidence.

(b) Subpoenas of the board shall run in the name of the Territory of Hawaii and any such subpoena shall be sufficient if it: (1) states that the proceeding is before such board, (2) is addressed to the person desired as a witness, (3) requires the attendance of the person desired as a witness at a time and place certain, and (4) is signed by the chairman of such board, or in his absence any member designated by the board to act in his absence. Any such subpoena may be served by the high sheriff of the Territory or his deputy, or a sheriff of any county or his deputy, or any police officer, or any other person designated by the board to serve the same.

(c) Each member of any board shall have authority to administer oaths in the discharge of his duties pursuant to the provisions of this Act.

(d) In case of contumacy or refusal to obey a subpoena issued to any person, the circuit court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by the board, shall have jurisdiction to issue an order requiring such person to appear before the board, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to obey any such order may be punished by the court as a contempt thereof.

(e) Subpoenas and papers of the board may be served either personally or by registered mail or by radiogram, or by leaving a copy thereof at the principal office or place of business of the person to be served. Return by the individual serving the same setting forth the manner of such service, return post office receipt, or radiogram receipt shall be proof of service of the same. [Sp. L. 1949, c. 62, s. 10.]

[Sec. 4180.11.] Section 11. Status quo maintained.

After the notice required by section 4 is filed with the director and until fifteen days after the report of the emergency board has been filed with the governor:

(a) No change in wages, hours or other terms and conditions of employment prevailing before the actual or proposed change out of which the dispute arose shall be made by the employer named in the notice, except by agreement of the parties; and

(b) The employer involved in the dispute shall be free to

make such changes in operations or personnel as are consistent with the operation of its business; **provided**, however, that if written objection to any such change is filed by the employees with the director such change shall require the approval of the director. [Sp. L. 1949, c. 62, s. 11.]

[Sec. 4180.12.] Section 12. **Strikes and lockouts prohibited.**

It shall be unlawful for any employee in the stevedoring industry or the representatives of such employee to call a strike or go out on strike, or for any employer in such industry or the representatives of such employer to declare a lockout or to lock out its employees, unless all of the terms, requirements and provisions of sections 4 to 11, inclusive, have been complied with and until the expiration of fifteen days after the report of the emergency board has been filed with the governor.

During the term of any collective bargaining agreement, there shall be no lockout by the employer and there shall be no strike on the part of any employees covered by the agreement, except where:

(a) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such dispute; or

(b) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts following such negotiation and failure to arrive at an agreement;

and the provisions of this Act for settlement of disputes have first been complied with.

It shall be unlawful for any person or persons to instigate, induce, or assist any other person or persons to engage in any strike or lockout in violation of the provisions of this section. [Sp. L. 1949, c. 62, s. 12.]

[Sec. 4180.13.] Section 13. **Injunction.**

The attorney general, at his own instance or at the request of the director, in the event any employer or any employee or any other person shall be found to be violating or failing to comply with any of the requirements or provisions of sections 4 to 12, inclusive, or there shall be reasonable cause to believe that such employer or employee or other person is violating or failing to comply with such requirements or provisions, shall

institute appropriate proceedings in equity in any circuit in which the violation occurs to enjoin the performance of any acts or practices forbidden by this Act, or to require such employer or employee or other person to comply with such requirements or provisions. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge, and each such judge shall have power to issue such orders and decrees, by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this Act. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county shall, at the request of the attorney general, conduct such proceedings in behalf of the Territory. [Sp. L. 1949, c. 62, s. 13.]

[Sec. 4180.14.] Section 14. Penalties.

(a) Any employer calling or causing a lockout in violation of section 12, or without giving the notice required by section 4, or otherwise contrary to the provisions of sections 4 to 12, inclusive, of this Act, shall be guilty of a misdemeanor.

(b) Any employee or organization of employees calling a strike or going out on strike in violation of the provisions of section 12, or without giving the notice required by section 4, or otherwise contrary to the provisions of sections 4 to 12, inclusive, of this Act, shall be guilty of a misdemeanor.

(c) Any person instigating, inducing or assisting any strike or lockout in violation of section 12, or otherwise contrary to the provisions of sections 4 to 12, inclusive, of this Act, shall be guilty of a misdemeanor.

(d) The penalty for any misdemeanor defined by this section shall be, in the case of a corporation, association, partnership, or labor organization, a fine of not more than \$5,000.00, and in the case of an individual, a fine of not more than \$500.00 or imprisonment for not more than three months, or both such fine and imprisonment. [Sp. L. 1949, c. 62, s. 14.]

[Sec. 4180.15.] Section 15. Emergencies; proclamation.

(a) Whenever in the opinion of the governor a strike or lockout in the stevedoring industry or any substantial part thereof is threatened or has occurred, and such threatened or actual strike or lockout, if it shall occur or continue, will imperil the public health, safety or welfare, he shall have the power and authority, whether or not any or all of the provisions of sections 4 to 12, inclusive, have been complied with, to issue a proclamation to that effect declaring an emergency, and urging the parties to the dispute to refrain from a stoppage of work or, if such stoppage has occurred, to resume work and operation in the public interest, and stating that if such stoppage of work shall occur or such work and operation shall not be resumed, as the case may be, he will exercise his powers under section 16 of this Act.

(b) Before or after such proclamation the governor may make such preparations as he may deem necessary or proper to carry out the provisions of section 16 of this Act. [Sp. L. 1949, c. 62, s. 15.]

[Sec. 4180.16.] Section 16. **Government operations.**

(a) After the issuance of a proclamation pursuant to section 15, and during the emergency thereby proclaimed, and in the event of an actual strike or lockout (whether in existence at the time of issuance of such proclamation or occurring thereafter) which, in the opinion of the governor, imperils or threatens to imperil the public health, safety or welfare, the governor shall have the power and authority to seize and take possession of and operate the entire plant and facilities, including related facilities, of any or every stevedoring company involved in the dispute, or so much thereof, or such interest therein, as the governor may deem necessary in order to carry out the purposes of this Act. It is the intention of this Act that such government operations shall be a temporary expedient to safeguard the public interest pending the settlement of the dispute by the parties.

(b) Such government operations may be conducted by the governor through such department or agency of the Territory as he may designate, and he may delegate to such agency such of his powers as are necessary to conduct such operations.

(c) The governor shall have such power and authority as shall be reasonably necessary to conduct such government operations in a manner consistent with the public health, safety and welfare, including without limitation upon the generality of the foregoing the power to make such contracts and arrangements with shipowners, charterers, agents and operators, wharf and pier owners and operators, stevedoring companies, trucking operators, warehousemen, and other per-

sons as may be required in order to provide stevedoring services and related services. The governor shall have the power to make contracts without regard to the provisions of sections 351-363 of chapter 9, Revised Laws of Hawaii 1945, and, specifically, the certificate of the auditor as to the availability of an unexpended appropriation or balance of an appropriation to cover the amount required by any such contract, shall not be required.

(d) In operating the plant and facilities of each company the governor, so far as possible, and to the extent employees are needed, shall employ or engage the personnel, including employees on strike or locked out, employed by such company upon the seizure and taking of possession thereof or immediately prior to the beginning of the strike or lockout. Persons so employed or engaged by the governor or otherwise employed or engaged by the governor shall not by reason of such employment be or become entitled to civil service, retirement, vacation, or other benefits provided by law for other employees of the Territory, nor shall they be required to possess the qualifications of other government employees, and no person shall be ineligible for employment by reason of the fact that he is not a citizen of the United States or of the Territory; **provided** that, if it shall be necessary to employ persons who were not theretofore employed by the company, such persons shall possess the residence qualifications prescribed by section 451, Revised Laws of Hawaii 1945; **provided**, further, that all citizens employed or engaged by the governor under the provisions of this Act shall subscribe to the oath or affirmation prescribed by the provisions of chapter 13, Revised Laws of Hawaii 1945, and all non-citizens shall subscribe to the following oath or affirmation:

"I _____ do solemnly swear and declare, on oath, that I am not now nor have I been at any time within the five years next preceding the taking of this oath a communist or a member of the communist party; that I have not at any time within the five years next preceding the taking of this oath held membership in, paid assessments, dues, or made contributions to any organization or any political party which advocates the overthrow of the constitutional form of government of the United States of America or any change in the government of the United States of America, except as provided by its constitution; that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God."

Upon a showing as to the sincerity of any person claiming

that he is unwilling to take the above prescribed oath only because due to religious beliefs he is unwilling to be sworn, he may be permitted, in lieu of such oath, to make his solemn affirmation which shall be in the same form as the said oath except that the words "sincerely and truly affirm" shall be substituted for the word "swear," and the phrases "on oath" and "So help me God" shall be omitted.

The salaries and wage rates of the persons employed by the Territory shall not be higher than those which existed in the industry immediately prior to the beginning of the strike or lockout. There shall be no deductions from such salaries and wages except as authorized by law in the case of other territorial employees. The hours of employment shall be the same as existed in the industry immediately prior to the beginning of the strike or lockout, and in so far as possible the other conditions of employment shall be the same as then existed, and neither the governor nor the designated agency shall have authority to enter into negotiations with any such company or with any labor organization for a collective bargaining contract with respect to wages, hours, and other terms and conditions of employment in the industry. All services performed in the employ of the Territory in government operations under this Act shall constitute employment for the purposes of chapter 74, Revised Laws of Hawaii 1945, as amended, known as the Hawaii Employment Security Law, and to the extent of such services the Territory shall be deemed an employer within the meaning of said chapter 74, and shall make the contributions required of a new employer as prescribed by said chapter 74.

(e) There is hereby established in the treasury of the Territory a revolving fund to be known as the "stevedoring revolving fund." The sum of \$250,000.00 is hereby appropriated to said fund from the general revenues of the Territory and shall be deposited in said fund. The governor may further augment said appropriation from his contingent fund, and in addition thereto may cause to be deposited in said revolving fund as a loan or loans from the general fund further amounts from time to time as required for the purposes of this Act, but the amount of such further loans from the general fund, outstanding at any one time, shall not exceed \$250,000.00. All revenues collected by the governor shall be deposited in said revolving fund and are hereby appropriated for the purposes thereof. Expenditures may be made from said stevedoring revolving fund for any and all of the purposes of this Act and the operations of the government under this Act, including without limitation of the generality of the foregoing, the compensation of employees and for other personal services, other current expenses, insur-

ance, taxes, and expenditures for the performance of any and all contracts and arrangements authorized by this Act. The conducting of such operations by the Territory shall not render inapplicable the general excise tax of the Territory. Such expenditures may be made by the governor or the governor may allot any money in said fund to the director or the designated agency for expenditure upon his or its own vouchers.

(f) Charges shall be made and collected for deposit in said revolving fund. Such charges so far as possible shall be based upon the rates prevailing in the industry immediately prior to the commencement of the strike or lockout, but due consideration shall be given to current conditions existing in the industry, including the expenses and other costs incurred or which may be incurred by the Territory under this Act. From time to time the governor shall pay from the revolving fund to each company whose property has been appropriated just compensation for the appropriation and use of its property. If any company is unwilling to accept, as full and complete compensation for such appropriation and use, the amount determined by the governor, such company shall be paid fifty per centum of the amount so determined by the governor, and shall be entitled to sue the Territory, in the manner provided in chapter 220, Revised Laws of Hawaii 1945, for such additional sum as, when added to the sum already received by such company, shall constitute just compensation for the appropriation and use of its property; **provided**, that such suit shall be instituted within three months after the termination of such appropriation. [Sp. L. 1949, c. 62, s. 16.]

[Sec. 4180.17.] Section 17. Termination of government operations.

(a) Whenever any company, whose plant or facilities have been taken over by the Territory, and its employees involved in the dispute shall jointly report in writing to the governor that they have arrived at an agreement adjusting and terminating the dispute out of which the strike or lockout arose, and that they are in a position to immediately resume and continue without interruption their services and the operation of such company, the governor shall forthwith terminate the government operation of and restore such plant or facilities to such company.

(b) Whenever in the opinion of the governor government operation of the plant or facilities of any such company is no longer necessary to preserve the public health, safety and welfare he shall, without regard to the settlement or continuation of the dispute, forthwith terminate the government operation of and restore such plant and facilities to such company. [Sp. L. 1949, c. 62, s. 17.]

[Sec. 4180.18.] Section 18. **Interference with government operations; injunction.**

(a) As used in this section, unless the context clearly indicates otherwise:

(1) The term "employee" includes any employee, and is not limited to the employees of a particular employer.

(2) The term "government employee" means one employed by the government.

(3) The term "private employee" means one employed by other than the government.

(4) The terms "person," "strike," "labor dispute," and "labor organization," have the meanings defined by section 2 of this Act.

(b) After a proclamation of an emergency pursuant to section 15 and until the termination of government operations as provided by section 17, any of the following shall be unlawful:

(1) For any government employees to participate in any strike against the government with respect to its operations under the provisions of this Act, or for any person to picket or to establish or maintain a picket line of one or more persons with a purpose of instigating, inducing, procuring, bringing about, coercing or inciting any such strike or a continuation thereof.

(2) For (I) any private employees or labor organization to engage in a strike, or a concerted refusal to transport or otherwise handle any cargo or to perform services on any vessel or with respect to any facility, or (II) any person to concert to withhold patronage, employment, or other beneficial business intercourse, or (III) any person, with a purpose of instigating, inducing, procuring, bringing about, coercing or inciting any such strike or concerted action or a continuation thereof, to picket or to establish or maintain a picket line of one or more persons, where an object of any such strike, concerted action, or picketing, is to (A) interfere with government operations under the provisions of this Act, or (B) force or require any person to cease transporting or otherwise handling cargo with respect to which stevedoring services or related services have been or are to be performed by the government under the provisions of this Act, or (C) cause loss, injury or damage to any person by reason of his having transported or otherwise handled or being about to transport or otherwise handle any cargo with respect to which stevedoring services or related services have been or are to be performed by the government under the provisions of this

Act; **provided**, however, that this paragraph shall not, by reason of refusal to return to employment involved in the labor dispute which occasioned the proclamation of an emergency under section 15 hereof or by reason of refusal to accept employment by the government, apply to any employee engaged in such labor dispute.

(3) For any person to instigate, induce, procure, order, direct, coerce, or incite any violation of this section, or to undertake or concert with another to violate this section.

(c) The attorney general at his own instance or at the request of the governor or the designated agency, in the event any person shall be violating or failing to comply with the provisions of this section, or there shall be reasonable cause to believe that such person is about to violate or fail to comply with the provisions of this section, shall institute appropriate proceedings before a court having equity jurisdiction, to enjoin the performance of any acts or practices forbidden by this section, or to require such person to comply with the provisions of this section. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this section. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county shall at the request of the attorney general conduct on behalf of the Territory any proceedings provided for by this section. This paragraph shall not be construed as precluding the attorney general from resorting to any other remedies or proceedings which may be appropriate, the attorney general being hereby authorized to represent the Territory in all such matters and to resort to any or all of the applicable remedies and proceedings, according to his best judgment. [Sp. L. 1949, c. 62, s. 18.]

[**Sec. 4180.19.**] Section 19. **Employee need not work involuntarily.**

Nothing in this Act shall be construed to require an indi-

vidual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor or service by an individual employee an illegal act. [Sp. L. 1949, c. 62, s. 19.]

[Sec. 4180.20.] Section 20. **Law an exercise of police power.**

This Act shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the people; and all of the provisions of the Act shall be liberally construed for the accomplishment of said purposes. [Sp. L. 1949, c. 62, s. 20.]

[Sec. 4180.21.] Section 21. **Rules and regulations.**

For the purpose of carrying out the provisions of sections 7 and 16 of this Act the governor and the director shall have the power to prescribe rules and regulations having the force and effect of law. Such rules and regulations of the governor may provide for maintenance, as part of the stevedoring revolving fund, of special bank accounts and cash funds, for drawing thereon by paymasters or other persons approved by the governor or the designated agency, and for the manner of accounting therefor. Rules and regulations prescribed pursuant to the provisions of this Act shall be promulgated by publishing the same in a newspaper of general circulation in the Territory, or, where only known persons are concerned, the same may be promulgated by service upon such persons by registered mail, or by personal service thereof. The provisions of sections 466 to 476, inclusive, Revised Laws of Hawaii 1945, shall not be applicable to the rules and regulations prescribed under the provisions of this Act. Any wilful violation of any rule or regulation promulgated by the governor or the director under the provisions of this section shall be a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment for not more than three months, or both such fine and imprisonment. [Sp. L. 1949, c. 62, s. 21.]

[Sec. 4180.22.] Section 22. **Separability.**

If any section, sentence, clause or phrase of this Act, or its application to any employer, employee, person or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other employers, employees, persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid and irrespective of the fact that the

application of this Act to any one or more employers, employees, persons or circumstances be declared unconstitutional or invalid. [Sp. L. 1949, c. 62, s. 22.]

[Sec. 4180.23.] Section 23. **Powers in addition to other powers.**

The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, including Act 2 of the Special Session Laws of Hawaii 1949, as amended, and nothing contained herein shall be construed as limiting any other powers of the governor or the designated agency mentioned in section 16 (b) hereof. [Sp. L. 1949, c. 62, s. 23.]

[Sec. 4180.24.] Section 24. **Exemption.**

The provisions of this Act shall not be applicable with respect to any person subject to the Federal Railway Labor Act. [Sp. L. 1949, c. 62, s. 24.]

Section 25. **Acts 2 and 3 not repealed, etc.**

This Act shall not be deemed to repeal, amend or in any way affect Act 2 or Act 3 of the Special Session Laws of Hawaii 1949, or any provision or provisions of said Act 2 or Act 3, or any proclamations, actions, proceedings or government operations had or undertaken under said Act 2 or Act 3. **Provided**, that section 9 of said Act 3 shall not be invoked by the governor in the event that, after the termination of the emergency declared by section 1 of said Act 2, another emergency shall occur, and in lieu thereof the provisions of this Act shall apply.

Section 26. **Effective date.**

Subject to the provisions of section 25 hereof, this Act shall take effect upon its approval.

(Approved November 1, 1949.) **S. B. 4, Act 62.**

Chapter 74. EMPLOYMENT SECURITY.

Series A-16: ACT 13

An Act to Repeal Section 4231(e), Revised Laws of Hawaii 1945, Relating to Unemployment Compensation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection (e) of section 4231 of the Revised Laws of Hawaii 1945 is hereby repealed.

Section 2. This Act shall take effect upon its approval.

(Approved October 10, 1949.) **H.B. 31, Act 13.**

Title 11: PUBLIC UTILITIES.

Chapter 82. PUBLIC UTILITIES COMMISSION.

Series A-17: ACT 65

An Act to Amend Section 4701 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Jurisdiction of the Public Utilities Commission.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The second to the last paragraph of **section 4701** of the Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

“The term ‘taxicab’ as used in this section shall mean and include any vehicle designed to carry passengers, operating for hire solely on call or demand from a fixed stand, and transporting passengers making such call or demand, with or without baggage on the public highways between such points as may be directed by such passengers.”

Section 2. This Act shall take effect upon its approval.
(Approved November 1, 1949.) **HLB. 54, Act 65.**

Title 14: TAXATION.

Chapter 94. ADMINISTRATION AND REAL PROPERTY TAX.

**PART II. REAL PROPERTY TAX.
ASSESSMENT.**

Series A-18: ACT 64

An Act to Amend Chapter 94, Revised Laws of Hawaii 1945, Relating to Home Exemption.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5141 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

“**Sec. 5141. [Assessment of property, to owners or lessees.]** The real property shall be assessed in its entirety to the owner or owners thereof; **provided**, that where land has been leased for a term of five years or more for residential purposes, the lessee or his successor in interest, holding the land for such term under such lease and using the same for residential purposes, may be considered an owner with respect to the residential buildings owned by him on such land, provided notice

and claim for exemption is given pursuant to section 5147. For the purposes of this chapter, residential buildings may be deemed to be owned by a lessee or his successor in interest notwithstanding any reversionary interest therein of the lessor.

For the purposes of this chapter, life tenants, executors, administrators, trustees, guardians or other fiduciaries and lessees holding under any government lease or license may be considered as owners during the time any real property is held or controlled by them as such." [L. 1932, 2d, c. 40, s. 22; R. L. 1935, s. 1924; R. L. 1945, s. 5141; am. Sp. L. 1949, c. 64, s. 1.]

Section 2. Section 5147 of said Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5147. [Conditions precedent to certain exemptions.] None of the exemptions from taxation granted in sections 5148-5151 shall be allowed in any case, unless the claimant shall have filed with the assessor, on or before January 31 of the year for which such exemption is claimed, a return of the property involved, in such form as shall be prescribed by the commissioner, and shall, in such return, have claimed exemption from taxation. When a lessee, or his successor in interest, of residential property for a term of five years or more, who is otherwise an owner of residential buildings within the meaning of section 5141, fails to claim the exemption granted in section 5149, the tax levied by this chapter as to both land and residential buildings shall be payable by the lessor or other owner or owners pursuant to section 5141." [L. 1925, c. 192, s. 10; am. L. 1932, 2d, c. 41, s. 5; R. L. 1935, s. 1971; am. L. 1939, c. 29, s. 2; R. L. 1945, s. 5147; am. L. 1949, c. 218, s. 1; am. Sp. L. 1949, c. 64, s. 2.]

Section 3. **Section 5149** of said Revised Laws of Hawaii 1945 is hereby amended in the following respects:

a. By substituting a semi-colon for the period at the end of paragraph (4) of subsection 2 thereof, and by adding thereafter the following:

"provided, further, that where a portion of any building or structure is used for the purpose of drying coffee, such use shall not bar the granting of such exemption; **provided, further,** that where a portion of any real property, including structures, is used in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants or

foliage, such use shall not bar the granting of such exemption.”

b. Amend the last paragraph of said **section 5149** to read as follows:

“For the purpose of this section, the word ‘home’ shall include (a) the entire homestead when the same is occupied by the taxpayer as such, and shall also include (b) a residential building on land held by the lessee or his successor in interest under a lease for a term of five years or more for residential purposes and owned and used as a residence by such lessee or his successor in interest, as the case may be, where the lease has been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease, and shall also include (c) premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises. The subletting by the taxpayer of not more than one room to a tenant shall not affect the exemption provided for by this section. The use of a portion of any building or structure for the purpose of drying coffee and the use of a portion of real property, including structures, in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants or foliage, shall not affect the exemptions provided for by this section.” [L. 1896, c. 51, s. 34; am. L. 1920, c. 33, s. 1; am. L. 1921, c. 213, s. 1; R. L. 1925, s. 1331; am. L. 1925, c. 192, s. 9; am. L. 1932, 2d, c. 41, s. 4; R. L. 1935, s. 1974; am. L. 1935, c. 46, s. 1; R. L. 1945, s. 5149; am. Sp. L. 1949, c. 64, s. 3.]

Section 4. This Act shall take effect on January 1, 1950.

(Approved November 1, 1949.) **H.B. 39, Act 64.**

§ 5149, as so amended, reads:

Sec. 5149. Homes. Real property owned and occupied only as his or their home by any individual or individuals, shall be exempt only to the following extent from property taxes:

1. Totally exempt upon that portion of the value thereof not in excess of fifteen hundred dollars;

2. Exempt as to one-half of that portion of the value thereof in excess of fifteen hundred dollars but not exceeding five thousand dollars; **provided**, however:

(1) That no such exemption shall be allowed to any corporation, copartnership or company;

(2) That such exemption shall not be allowed on more than one home for any one taxpayer;

(3) That a husband and wife shall not be permitted exemption of separate homes owned by each of them, unless they are living separate and apart, in which case they shall be entitled to one exemption, to be apportioned between each of their respective homes in proportion to the value thereof;

(4) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion thereof used exclusively as a home; **provided**, however, that this exemption shall not apply to any building or structure, including the land thereunder, a portion of which is used for commercial purposes; **provided**, further, that where a portion of any building or structure is used for the purpose of drying coffee, such use shall not bar the granting of such exemption; **provided**, further, that where a portion of any real property, including structures, is used in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants or foliage, such use shall not bar the granting of such exemption.

For the purpose of this section, the word "home" shall include (a) the entire homestead when the same is occupied by the taxpayer as such, and shall also include (b) a residential building on land held by the lessee or his successor in interest under a lease for a term of five years or more for residential purposes and owned and used as a residence by such lessee or his successor in interest, as the case may be, where the lease has been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease, and shall also include (c) premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises. The subletting by the taxpayer of not more than one room to a tenant shall not affect the exemption provided for by this section. The use of a portion of any building or structure for the purpose of drying coffee and the use of a portion of real property, including structures, in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants or foliage, shall not affect the exemptions provided for by this section. [L. 1896, c. 51, s. 34; am. L. 1920, c. 33, s. 1; am. L. 1921, c. 213, s. 1; R. L. 1925, s. 1331; am. L. 1925, c. 192, s. 9; am. L. 1932, 2d, c. 41, s. 4; R. L. 1935, s. 1974; am. L. 1935, c. 46, s. 1; R. L. 1945, s. 5149; am. Sp. L. 1949, c. 64, s. 3.]

Series A-19: ACT 50

An Act to Amend Section 5151 of the Revised Laws of Hawaii 1945, as Amended, Relating to Exemptions from Real Property Tax.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Paragraph (d) of **section 5151** of the Revised Laws of Hawaii 1945, as enacted by Act 385, Session Laws of Hawaii 1949, is hereby amended by changing the period at the end thereof to a semi-colon and adding the following:

“provided, however, that the requirements of this paragraph shall not apply during the taxable year 1949.”

Section 2. This Act shall take effect upon its approval but shall be retroactive to the first day of January, 1949.

(Approved October 26, 1949.) **H.B. 84, Act 50.**

Series A-20: ACT 59

An Act Relating to Real Property Taxes Assessed Against the Convalescent Nursing Home, First Taxation District, City and County of Honolulu, and Forgiving Such Taxes As May Now Be Due and Owing By Such Home.

WHEREAS, the Convalescent Nursing Home, located in the first taxation district, city and county of Honolulu, is an organization not operated for profit; and

WHEREAS, such organization is exempt from all future real property taxes, as provided for by **section 5151**, Revised Laws of Hawaii 1945, as amended by Act 385, Session Laws of Hawaii 1949; and

WHEREAS, such exemption should also apply to such real property taxes now due and owing to the Territory of Hawaii by such organization; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. All real property taxes assessed against the property of the Convalescent Nursing Home, located in the first taxation district, city and county of Honolulu, now due and owing, are hereby forgiven.

Section 2. This Act shall take effect upon its approval.

(Approved October 31, 1949.) **H.B. 118, Act 59.**

Chapter 96. COUNTY BUDGETS; PROPERTY AND FUEL TAX FUNDS.

Series A-21: ACT 49

An Act Relating to the Real Property Tax Rate for the Several Counties and City and County and Amending Section 5254 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 5254** of the Revised Laws of Hawaii 1945, as amended by Act 82 of the Session Laws of Hawaii 1945, and by Act 111 of the Session Laws of Hawaii 1947, is hereby further amended by deleting therefrom the second to the last paragraph thereof (being the first paragraph on page 198 of the Session Laws of Hawaii 1947), and by amending the third to the last paragraph thereof (appearing on page 197 of the Session Laws of Hawaii 1947) to read as follows:

“All property taxes (including real and personal taxes for any year, whether before or after 1933, and delinquent taxes collected by reason of assessments of omitted property, additional assessments or the settlement of tax appeals) collected during any calendar year in any county shall (except as otherwise provided by law) be applied on account of the requirements of such county for such year.”

Section 2. This Act shall take effect upon its approval and shall be retroactive to January 1, 1949.

(Approved October 26, 1949.) **H.B. 58, Act 49.**

Note: See Session Laws of 1947 for § 5254 prior to above amendment, pp. 196-198.

Title 15: TREASURY.

Chapter 111. BANK EXAMINER.

Series A-22: ACT 14

An Act Amending Section 5828 of the Revised Laws of Hawaii 1945, as Amended by Act 321 of the Session Laws of Hawaii 1949, Relating to and Prescribing Fees to be Charged Banks, Trust Companies, Building and Loan or Savings and Loan Associations, Industrial Loan Companies, Small Loan Companies and other Fiduciary Companies for Examinations Conducted by the Territorial Bank Examiner.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5828 of the Revised Laws of Hawaii 1945, as amended by Act 321 [Series A-161] of the Session Laws of Hawaii 1949, is hereby further amended by amending subsection "3" thereof to read as follows:

"3. Industrial loan companies and small loan companies licensed under chapter 171, a sum based on the total dollar loan volume during the twelve calendar months immediately preceding the date of its last semi-annual report made prior to examination as follows:

On loan volume of less than \$50,000.00	\$ 25.00
On loan volume of \$50,000.00 or more, but less than \$150,000.00	50.00
On loan volume of \$150,000.00 or more, but less than \$250,000.00	75.00
On loan volume of \$250,000.00 or more, but less than \$350,000.00	100.00
On loan volume of \$350,000.00 or more, but less than \$500,000.00	125.00

plus \$5.00 for each additional \$100,000.00 or portion thereof, of loan volume in excess of \$500,000.00; **provided**, that fees for examination of foreign corporations licensed to do an industrial loan or small loan business in the Territory shall be based upon the actual per diem cost and expenses of each man engaging in such examination."

SECTION 2. This Act shall take effect upon its approval, and shall be applicable to all examinations commenced after said approval.

(Approved October 18, 1949.) **S.B. 25, Act 14.**

Note: See Session Laws of 1949, Act 321 [A-161], pp. 311-313, for balance of this section.

PART B.

COUNTY GOVERNMENT

Title 16: GENERAL GOVERNMENTAL PROVISIONS
COMMON TO ALL COUNTIES.

Chapter 116. ADMINISTRATIVE, GENERAL.

Series B-23: ACT 20

An Act Amending Act 281 of the Session Laws of Hawaii 1949 Relating to Housing Projects and Housing; and Conferring Rights, Powers and Privileges Upon the Hawaii Housing Authority and Upon the Several Counties in Regard to Such Housing Projects and Housing.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 [**Sec. 6022.06**] of Act 281 of the Session Laws of Hawaii 1949 is hereby amended by adding a new sentence thereto at the end thereof which shall read as follows:

“Nothing in this section shall prohibit or prevent the Authority from paying, and any such county from receiving, any sum or sums which the Authority in its discretion may agree to pay as reasonable compensation for the services or facilities provided by any county pursuant to this section.”

Section 2. This Act shall take effect as of May 14, 1949.

(Approved October 18, 1949.) **S.B. 32, Act 20.**

§ 6022.06, as so amended, reads:

Sec. 6022.06. Garbage, trash disposal. Every county which maintains or operates any garbage or trash collection and disposal service shall, free of charge and without condition or other requirement, collect and dispose of garbage and trash at and from any housing project or housing, located within such county, which is owned, operated or administered by the Authority; and, upon request of the Authority, each county shall allow the Authority to establish, maintain or operate its own garbage and trash collection and disposal service for any or all such housing projects or housing located within such county, and, in regard to such service, shall allow the Authority to use, free of charge and without condition or other requirement, all incinerators, garbage dumps and other facilities which such county may own, control or operate. Nothing in this section shall prohibit or prevent the Authority from paying, and any such county from receiving, any sum or sums which the Authority in its discretion may agree to pay as reasonable compensation for the services or facilities provided by any county pursuant to this section. [L. 1949, c. 281, s. 2; am. Sp. L. 1949, c. 20, s. 1.]

Chapter 121. PENSIONS.

PART II. MUNICIPAL AND COUNTY PENSION SYSTEMS.

Series B-24: ACT 58

An Act to Amend Section 6188 of the Revised Laws of Hawaii 1945, Relating to Computation of Service Under the Municipal and County Pension Systems.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 6188** is hereby amended by changing the period at the end thereof to a comma, and adding the words "**provided**, however, his service in the police department under the sheriff, prior to the creation of the government of the city and county of Honolulu in 1905, shall be included." [L. 1941, c. 302, pt. of s. 1; R. L. 1945, s. 6188; am. Sp. L. 1949, c. 58, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved October 31, 1949.) **H.B. 102, Act 58.**

§ 6188, as so amended, reads:

Sec. 6188. Computation of service. Wherever the term of ten years is mentioned in this part, each year of such ten years shall be computed by adding together the months of service (including portions of any month, where the full month has not been served, as a full month), and dividing such months by twelve.

"Service" shall be construed to mean service in the pensioning county only, and where the proposed pensioner has service in any other county than the one by which it is proposed that he be pensioned, his service in such other county shall not be added to his service in the pensioning county in order to determine his eligibility for or the amount of pension, **provided**, however, his service in the police department under the sheriff, prior to the creation of the government of the city and county of Honolulu in 1905, shall be included. [L. 1941, c. 302, pt. of s. 1; R. L. 1945, s. 6188; am. Sp. L. 1949, c. 58, s. 1.]

Title 17: GOVERNMENT OF HAWAII, KAUAI, MAUI.

Chapter 124. PROVISIONS SPECIFIC FOR HAWAII.

Series B-25: ACT 54

An Act Relating to the Regulation of Motor Vehicle Common Carriers Transporting Passengers Within the County of Hawaii and Authorizing the Board of Supervisors of the County of Hawaii to Adopt an Ordinance Regulating the Same.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 6353.01.] Section 1. [Regulation of motor vehicle common carriers.] The board of supervisors of the county of Hawaii is hereby authorized to regulate and control the operation of motor vehicle common carriers transporting passengers within the county of Hawaii; to adopt, by ordinance, all such regulations as the said board may deem appropriate and necessary to serve the public convenience and necessity; and to create a board or commission for the administration and regulation of motor vehicle common carriers within the county of Hawaii pursuant to such an ordinance adopted by the board of supervisors of the county of Hawaii. [Sp. L. 1949, c. 54, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved October 27, 1949.) **H.B. 62, Act 54.**

HAWAII HOSPITALS.

Series B-26: ACT 48

An Act Amending Chapter 124 of the Revised Laws of Hawaii 1945, as Amended, by Amending Section 6384 thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6384 of the Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

“Sec. 6384. Appointment, term, powers, reports. The chairman and executive officer of the board of supervisors, with the approval of the board of supervisors, shall appoint and may remove the board to be known as the ‘managing committee, Hilo Memorial Hospital’, consisting of seven members. They shall serve without pay, and shall hold office for a term of four years; **provided**, however, that on the first appointment of the managing committee four members shall be appointed for a term of four years and the remaining members for two years; that thereafter all appointments shall be for four years, and that any vacancy shall be filled for the remainder of the unexpired term. The managing committee shall select its own chairman from the members thereof and may establish rules and regulations for the conduct of its business and of the business of the Hilo Memorial Hospital. The committee shall have the full management and control of Hilo Memorial Hospital, the improvements thereto and the maintenance and equipment thereof, and the full control of the expenditure of all moneys made available by law or otherwise for the improvement, main-

tenance and equipment of Hilo Memorial Hospital. The committee shall make regular reports, as required by the board of supervisors, as to the conduct, management and condition of Hilo Memorial Hospital. The committee may employ, and subject to the provisions of chapters 2 and 3 shall fix and pay salaries and wages of doctors, nurses and other employees as it may deem necessary for the conduct of Hilo Memorial Hospital. All moneys made available for the use of the managing committee for Hilo Memorial Hospital shall be placed in the special fund for said managing committee and shall be paid out on warrants drawn by the auditor of the county, upon claims and vouchers duly examined, approved and directed to be paid by the managing committee. The county attorney shall be and act as the legal advisor of the managing committee.

The said committee shall appoint a superintendent of said hospital, to serve at the pleasure of the committee and who shall, subject to the direction and control of the committee, have the management of said hospital; said superintendent shall be an affiliate of the American College of Hospital Administrators, and shall be subject to the residence qualifications provided by section 451." [L. 1941, c. 277, s. 2; am. L. 1943, c. 31, s. 1; R. L. 1945, s. 6384; am. L. 1949, c. 18, s. 1; am. Sp. L. 1949, c. 48, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved October 26, 1949.) **H.B. 45, Act 48.**

Series B-27: ACT 33

An Act Amending Act 356, Session Laws of Hawaii 1949, Relating to Improvement Districts in the County of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection (a) of section 1 [**Sec. 6407.01**] of Act 356, [Series B-187] Session Laws of Hawaii 1949 is hereby amended to read as follows:

"a. 'Improvement district' means and includes any area within the county of Hawaii which has been designated by the board as an improvement district for the purposes of this Act."

Section 2. This Act shall take effect upon its approval.

(Approved October 24, 1949.) **H.B. 36, Act 33.**

Note: See Session Laws of 1949, Act 356 [B-187], pp. 365-387.

Chapter 125. PROVISIONS SPECIFIC FOR KAUAI.

Series B-28: ACT 53

An Act to Amend Chapters 125 and 126 of the Revised Laws of Hawaii 1945, as Amended, by Inserting in Each of Said Chapters a New Section Relating to the Enactment of Standard Codes by Reference by the Boards of Supervisors of the Counties of Kauai and Maui Respectively.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 125 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting therein a new section to be appropriately numbered by the secretary of Hawaii and to read as follows:

“Sec. 6412.01. Enactment of standard codes by reference. Ordinances in the form of standard codes or portions thereof, regulating traffic, or regulating the construction of buildings, the installation of plumbing, the installation of electric wiring or other similar subject matters which may have been printed as a code in book or pamphlet form, may be enacted by reference thereto by the board of supervisors of the county of Kauai by the passage of an ordinance for that purpose without the necessity of the publication of the entire contents of said codes, notwithstanding section 6235 of the Revised Laws of Hawaii 1945 to the contrary; **provided**, however, the titles of said codes and the fact of the contemplated enactment thereof into law shall be published at least once in a newspaper, and that a reasonable number of copies of said codes be available to the public.” [Sp. L. 1949, c. 53, s. 1.]

Section 2. Chapter 126 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting therein a new section to be appropriately numbered by the secretary of Hawaii and to read as follows:

“Sec. 6452.01. Enactment of standard codes by reference. Ordinances in the form of standard codes or portions thereof, regulating traffic, or regulating the construction of buildings, the installation of plumbing, the installation of electric wiring or other similar subject matters which may have been printed as a code in book or pamphlet form, may be enacted by reference thereto by the board of supervisors of the county of Maui by the passage of an ordinance for that purpose without the necessity of the publication of the entire contents of said codes, notwithstanding section 6235 of the Revised Laws of Hawaii 1945 to the contrary; **provided**, however, the titles of said codes and the fact of the contem-

plated enactment thereof into law shall be published at least once in a newspaper, and that a reasonable number of copies of said codes be available to the public." [Sp. L. 1949, c. 53, s. 2.]

Section 3. This Act shall take effect upon its approval.
(Approved October 27, 1949.) **S.B. 55, Act 53.**

Chapter 126. PROVISIONS SPECIFIC FOR MAUI.

§ 6452.01. **Enactment of standard codes by reference.** NEW, See Sp. L. 1949, Act 53 [B-28], above.

Title 18: HONOLULU GOVERNMENT.

Chapter 127. CITY AND COUNTY OF HONOLULU.

CITY PLANNING COMMISSION.

Series B-29: ACT 37

An Act to Amend Certain Sections of Chapter 127 of the Revised Laws of Hawaii 1945, Relating to and Affecting the Subdivision of Land Within the City and County of Honolulu.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 6638** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the last eight words thereof to read as follows:

"on a copy or print of the map by authority of the commission."

Section 2. **Section 6642** of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the last thirty-eight words thereof to read as follows:

"has been approved by and filed with the commission."

Section 3. **Section 6642.01** of the Revised Laws of Hawaii 1945, as enacted by Act 222 of the Session Laws of Hawaii 1949, is hereby amended by amending the last thirty-six words thereof to read as follows:

"has been approved by and filed with the commission."

Section 4. This Act shall take effect upon its approval.
(Approved October 24, 1949.) **H.B. 80, Act 37.**

§§ 6638, 6642 and 6642.01, as so amended, read:

Sec. 6638. Necessity for approval of subdivisions required before registration. The planning commission shall have jurisdiction and control of the subdivision of land within the city and county of

Honolulu, and no map of a subdivision of land within said city and county shall be received for recordation or filing in the office of the registrar of conveyances or the assistant registrar of the land court unless such map shall have been approved by the commission and such approval entered in writing on a copy or print of the map by authority of the commission. [L. 1939, c. 242, s. 4 (69); am. L. 1943, c. 148, s. 3; R. L. 1945, s. 6638; am. L. 1949, c. 222, s. 1; am. Sp. L. 1949, c. 37, s. 1.]

Sec. 6642. Offer, contract, etc., or sale of subdivision or part before map approved. No owner or agent of the owner of any land located within a subdivision in the city and county shall agree to sell, sell or transfer such land or any portion thereof or any interest therein until a final survey map thereof in full compliance with the provisions of this Act and the regulations adopted under the authority conferred herein, has been approved by and filed with the commission. [L. 1939, c. 242, s. 4 (69); R. L. 1945, s. 6642; am. L. 1949, c. 222, s. 8; am. Sp. L. 1949, c. 37, s. 2.]

Sec. 6642.01. Conveyance not to be made by lot or block number, etc., until final map approved. It shall be unlawful for the owner or agent of the owner of any land located within a subdivision in the city and county to transfer or convey such land, or any part thereof, or any interest therein by lot or block number, initial or other designation, or by a metes and bounds description, or by reference to or exhibition of, or other use of a map or plan of a subdivision of such land unless and until a final survey map thereof has been approved by and filed with the commission. [L. 1949, c. 222, s. 9; am. Sp. L. 1949, c. 37, s. 3.]

PART C.

BUSINESS LAW AND REGULATIONS.

Title 19: BUSINESS, ETC., REGULATED BY OR IN COUNTIES.

Chapter 135. FIREARMS AND AMMUNITION.

Series C-30: ACT 24

An Act to Amend Section 7183 of the Revised Laws of Hawaii 1945, as Amended, Relating to Firearms, the Registration of Firearms, and Permits to Acquire or Possess Firearms.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7183** of the Revised Laws of Hawaii 1945, as amended by Act 192 [Series C-211] of the Session Laws of Hawaii 1949, is hereby further amended by amending the last sentence of the first paragraph thereof to read as follows:

“Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not said owner has consented to such possession, without a permit from the chief of police of the aforesaid county; **provided**, however, that any rifle or shotgun, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another for hunting, target or skeet shooting, and such other person may keep the same in his possession, for a period of not more than thirty days, without such a permit; and, **provided**, further, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another upon a target range, for a period not longer than to allow such other person to then and there use the same for target shooting, without such a permit.”

Section 2. This Act shall take effect upon its approval.

(Approved October 20, 1949.) **S.B. 40, Act 24.**

§ 7183. **Permits to acquire; registration; penalty.** AM. L. 1949, Act 192 [C-211], pp. 459, 460. See Session Laws of 1949, regular session, for remainder of section.

Chapter 138. MOTOR VEHICLES: CHAUFFEUR'S AND OPERATOR'S LICENSE; REGISTRATION.

PART I: CHAUFFEURS, DRIVERS, OPERATORS.

§ 7303. **What persons are exempt from license.** Am. by Act 19, [C-32].

Series C-31: ACT 35

An Act to Amend Section 7313, Revised Laws of Hawaii 1945, Relating to Licenses of Operators and Chauffeurs.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 7313** of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto at the end thereof the following:

“Any person holding an operator's license may, upon the payment of the sum of fifty cents, surrender his license and obtain a duplicate license free from any entries of records of convictions which may have been entered upon such operator's license; **provided**, that no such duplicate license shall be so issued if the surrendered license has any

record or entry thereon of any conviction during a period of three years immediately preceding the application for a duplicate license." [L. 1937, c. 234, s. 12; am. L. Sp. 1941, c. 6, s. 2; R. L. 1945, s. 7313; am. L. Sp. 1949, c. 35, s. 1.]

Section 2. This Act shall take effect upon its approval. (Approved October 24, 1949.) **H.B. 44, Act 35.**

The part of § 7313, preceding the amendment, reads:

Sec. 7313. General provisions governing the issue of licenses to operators and chauffeurs. The examiner of chauffeurs shall, upon payment of the required fee, issue to every applicant qualifying therefor an operator's license as applied for, stating thereon any restrictive provision to which the license issued is subject. Each license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license and in the presence of the examiner of chauffeurs or his representative. Furthermore, each license shall bear thereon a photograph of the licensee to be made under the direction of the examiner of chauffeurs, or, in lieu thereof, a licensee may at his election consent to have an imprint made of his right thumb under the direction of the examiner of chauffeurs and such thumb print shall be superimposed upon the license.

Every license shall be printed in a form prescribed by the examiner of chauffeurs, on the reverse side of which there shall be a space where any clerk of court or any district magistrate shall enter all records of conviction of violations of the traffic laws or regulations of the Territory or any political subdivision thereof involving a moving vehicle and all suspensions effected by any court from and after July 1, 1937. (Here follows the amendment.)

Series C-32: ACT 19

An Act to Amend Part I of Chapter 138 of the Revised Laws of Hawaii 1945, as Amended, Relating to the Licensing of Chauffeurs, Drivers and Operators of Motor Vehicles.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be appropriately numbered by the secretary of Hawaii and reading as follows:

"Sec. 7319.01. Authority of examiner of chauffeurs to suspend or revoke licenses. The examiner of chauffeurs is hereby authorized to suspend immediately the license of

any person^c without hearing whenever he has reason to believe that such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways. Whenever the examiner of chauffeurs suspends the license of any person for such reason, he shall immediately notify the licensee and afford him an opportunity of a hearing before him, and upon such hearing he shall either rescind his order of suspension, or good cause appearing therefor, may suspend the license of such person for a further period or revoke said license. Any person whose license shall have been suspended or revoked as herein provided may appeal from such suspension or revocation in the manner provided by section 7327." [Sp. L. 1949, c. 19, s. 1.]

Section 2. The provisions of section 1 shall apply to any license heretofore or hereafter issued under the provisions of part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended.

Section 3. **Section 7303** of the Revised Laws of Hawaii 1945 is hereby amended by deleting the last paragraph thereof and in lieu inserting the following:

"Non-resident, when. Any non-resident who is at least 20 years of age, and who has in his possession a valid operator's license issued to him in his home state may operate a motor vehicle in this Territory only as an operator for a period of not more than ninety (90) days."

Section 4. This Act shall take effect upon its approval.

(Approved October 18, 1949.) **S.B. 30, Act 19.**

§ 7303, as so amended, reads:

Sec. 7303. What persons are exempt from license. The following persons are exempt from license:

Federal employee, when. Any person while driving or operating a motor vehicle in the service or employ of any branch or agency of the federal government, **provided** he has received from such branch or agency a license or permit to so operate and drive the motor vehicle and provided such branch or agency has been duly authorized by the federal government to issue such license or permit.

Farm machinery. Any person while driving or operating any road machine, farm tractor or implement of husbandry temporarily operated or moved on a highway.

Non-resident, when. Any non-resident who is at least 20 years of age, and who has in his possession a valid operator's license issued to him in his home state may operate a motor vehicle in this Territory only as an operator for a period of not more than ninety (90) days. [L. 1937, c. 234, s. 3; R. L. 1945, s. 7303; am. Sp. L. 1949, c. 19, s. 3.]

Title 21: CORPORATIONS—PARTNERSHIPS.

Chapter 160. FIDUCIARIES AND INVESTMENTS.

PART II. LOANS AND INVESTMENTS, SPECIAL.**Series C-33: ACT 17**

An Act to Amend Section 8438 of the Revised Laws of Hawaii 1945, as Amended, Relating to Loans by Banks, Savings Banks, Building and Loan and Savings and Loan Associations, Insurance Companies and Trust Companies.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8438 of the Revised Laws of Hawaii 1945, as amended by Act 223 of the Session Laws of Hawaii 1945 and by Act 118 of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

“Sec. 8438. Mortgages and loans insured under federal laws; exempt from territorial requirements. Pursuant to such regulations not inconsistent with this part, as the bank examiner of the Territory finds to be necessary and proper and prescribes (which regulations need not be published in any newspaper in order to be valid), banks, savings banks, building and loan and savings and loan associations, insurance companies and trust companies are authorized to make such loans secured by mortgages as are insured by the Federal Housing Administration, and to obtain such insurance; also to make such loans, whether secured by mortgage or not, as are insured pursuant to Title 1 of the Act of Congress entitled ‘National Housing Act’, and to obtain such insurance; and also to make such loans upon the security of real property or interests in real property, including such household appliances as are a portion of the security for such loans, as are guaranteed or insured by the administrator of veterans’ affairs pursuant to the servicemen’s readjustment Act of 1944, as amended, or for which there is a commitment to so guarantee or insure. The said household appliances shall be deemed to be fixtures and a part of the real property or interests in real property, which are security for such loans, when they are so described in the loan or mortgage instrument.

No law of the Territory prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or ad-

vances of credit may be made shall be deemed to apply to loans made pursuant to the foregoing paragraph." [L. 1935, c. 109, s. 1; am. L. 1937, c. 58, pt. of s. 1; am. L. 1941, c. 47, s. 1; R. L. 1945, s. 8438; am. L. 1945, c. 223, s. 1; am. L. 1949, c. 118, s. 1; am. Sp. L. 1949, c. 17, s. 1.]

Section 2. This Act shall take effect upon its approval.
(Approved October 18, 1949.) **S.B. 28, Act 17.**

Title 22: GENERAL BUSINESS LAW.

Chapter 169. LIENS, GENERALLY.

MECHANICS AND MATERIALMEN.

Series C-34: ACT 28

An Act Relating to Liens of Mechanics and Materialmen.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8769 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by deleting from the fifth line thereof following the word "improvement" the word "and" and substituting therefor the word "in", and by deleting from the tenth line thereof following the word "if" the word "not" and substituting therefor the word "no", so that the first paragraph of said section 8769 shall read as follows:

"Sec. 8769. Lien; when allowed; lessees, etc. Any person or association of persons furnishing labor or material in the improvement of real property shall have a lien upon the improvement as well as upon the interest of the owner of such improvement in the real property upon which the same is situated, or for the benefit of which the same was constructed, for the price agreed to be paid (if said price shall not exceed the value of the labor and materials), or if the price exceeds the value thereof or if no price is agreed upon by the contracting parties, for the fair and reasonable value of all labor and materials covered by their contract, express or implied."

Section 2. This Act shall take effect upon its approval.
(Approved October 20, 1949.) **H.B. 33, Act 28.**

The balance of § 8769, as amended by L. 1949, Act 241 [C-240], reads:

Where the terms of a lease, contract of sale or instrument creating a life tenancy require the improvement of the real property, the interest of the lessor, vendor or remainderman in the improve-

ment and the land upon which the same is situated shall likewise be subject to the lien, and any provision for forfeiture or other penalty against the lessee, vendee or life tenant in case of the filing of a mechanic's or materialman's lien or actions to enforce the same, shall not affect the rights of such lienors. [L. 1888, c. 21, s. 1; R. L. 1925, s. 2891; am. L. 1929, c. 207, s. 1; am. L. 1933, c. 143, s. 1; R. L. 1935, s. 4365; R. L. 1945, s. 8769; am. L. 1949, c. 241, s. 2; am. Sp. L. 1949, c. 28, s. 1.]

See L. 1949, Act 241 [C-240], for amendments to Mechanic's and Materialmen's Liens statutes.

PART D. COURTS AND RELATED SUBJECTS.

Title 23: APPEAL AND ERROR.

Chapter 182. APPEALS: BONDS.

Series D-35: ACT 41

An Act Relating to Bonds on Appeal.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9508 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9508. Amendments, etc. No motion for a new trial, bill of exceptions, appeal or writ of error shall be dismissed for any informality or insufficiency of any bond, or any failure to file any bond, unless upon neglect of the party filing or who should have filed such bond to comply with an order of a court or judge having jurisdiction directing an amendment of a bond to be made, or a new bond to be filed, or directing the filing of a bond, within a specified time, not less than twenty-four hours." [L. 1895, c. 25, s. 2; am. L. 1905, c. 14, s. 1; R. L. 1925, s. 2538; R. L. 1935, s. 3506; R. L. 1945, s. 9508; am. Sp. L. 1949, c. 41, s. 1.]

Section 2. This Act shall take effect upon its approval and shall apply to pending causes.

(Approved October 24, 1949.) **H.B. 59, Act 41.**

Title 24: COURTS: ATTORNEYS, JURORS.

Chapter 191. ATTORNEYS; DISTRICT COURT
PRACTITIONERS.

ATTORNEYS.

Series D-36: ACT 67

An Act Relating to Qualifications of Attorneys; Amending Section 9701 of the Revised Laws of Hawaii 1945, as Amended.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9701 of the Revised Laws of Hawaii 1945, as amended by Act 226 of the Session Laws of Hawaii 1945, is hereby further amended to read as follows:

“**Sec. 9701. Qualifications.** The supreme court shall have the power to examine, admit and reinstate as practitioners in the courts of record such persons of good moral character who are citizens of the United States of America, and have taken the prescribed oath of office, as it may find qualified for that purpose, but no person shall be examined, admitted or reinstated unless he is qualified under the Hawaiian Organic Act to vote in the Territory of Hawaii and shall have actually registered as such voter; and the supreme court shall have the sole power to revoke or suspend the license of any such practitioners or to dismiss or suspend them from the roll of practitioners for malpractice, fraud, deceit or other gross misconduct.” [C. C. 1859, s. 1065; am. L. 1921, c. 81, s. 1; R. L. 1925, s. 2304; R. L. 1935, s. 3603; am. L. 1937, c. 173, s. 1; R. L. 1945, s. 9701; am. L. 1945, c. 226, s. 1; am. Sp. L. 1949, c. 67, s. 1.]

Section 2. This Act shall take effect upon its approval. (Approved November 1, 1949.) **H.B. 117, Act 67.**

PRACTITIONERS IN DISTRICT COURTS.

Series D-37: ACT 38

An Act to Amend Section 9713 of the Revised Laws of Hawaii 1945, to Permit Military Legal Officers to Represent Military Personnel in the District Courts in Cases Involving the Driving of Military Vehicles.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Section 9713** of the Revised Laws of Hawaii

1945 is hereby amended by adding at the end thereof the following:

“It is further **provided** that any legal officer of the United States army, navy or air force, to the extent that he is authorized or required by his respective branch of service, may without license represent military personnel in the district courts in any case which arises out of the driving of a military vehicle.” [L. 1878, pt. of c. 31; am. L. 1886, c. 63; R. L. 1925, s. 2317; R. L. 1935, s. 3615; R. L. 1945, s. 9713; am. Sp. L. 1949, c. 38, s. 1.]

Section 2. This Act shall take effect upon its approval. (Approved October 24, 1949.) **H.B. 81, Act 38.**

The part of § 9713, preceding the amendment, reads:

Sec. 9713. Not to practice without license. No person shall be allowed to practice law in the district courts without license; **provided** that any person may appear to prosecute or defend his own cause, and that of any one of his own family. The word family in this section shall be held to mean a man’s parents, brothers, sisters, wife and descendants. (Here follows the amendment).

Title 26: PLEADINGS AND PROCEDURE.

Chapter 204. CIVIL ACTIONS, GENERALLY.

SERVICE, EFFECT OF.

Series D-38: ACT 4

An Act Relating to Judicial Procedure, Parties to Actions, and Service of Judicial Processes and Certain Other Notices.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 10067.01.] Section 1. [**Organizations and associations, service of process on; judgment.**] When two or more persons associate and act, whether for profit or not, under a common name, including associating and acting as a labor organization or employer organization, whether such common name comprises the names of such persons or not, they may sue in or be sued by such common name, and the process shall be served on any officer, trustee or agent of such association if he can be found, or if no such officer, trustee or agent can be found as shown by the return of the serving officer, then upon any one or more members of the association. Any such service shall constitute service upon the association. The judgment in such cases shall accrue to the joint or common benefit of and

bind the joint or common property of the association, the same as though all members had been named as parties to the action. No such judgment shall be enforceable against any individual or his individual assets unless (a) he has been joined and served as an individual party to the action, or (b) the judgment is so enforceable pursuant to section 10040 of the Revised Laws of Hawaii 1945, or any other law. [Sp. L. 1949, c. 4, s. 1.]

[**Sec. 10067.02.**] Section 2. [**Same; non-residents; service on treasurer.**] The transaction of any acts, business or activities within the Territory by any officer, agent, representative, employee or member of any such association having officers, agents, members or property without the Territory, on behalf of such association, or any of its members or affiliated local associations, shall be deemed an appointment by such association of the treasurer of the Territory to be the true and lawful attorney of such association, upon whom may be served all legal processes or notices in any action or proceeding against or involving such association growing out of such acts, business or activities within the Territory giving rise to any cause of action, and such acts, business or activities shall be a signification of the agreement of such association and its members that any such process or notice in any action, matter or proceeding against or involving it, which if* so served, shall be of the same legal force and validity as if served upon such association and its members personally. Service of such process or notice shall be made by filing a copy thereof in the office of the treasurer of the Territory together with payment of a fee of \$5.00 and such service shall be sufficient service upon such association and its members; and notice of such service and a copy of the process or notice shall, within ten days thereafter, be sent by registered mail by the treasurer to such association at its last known address and an affidavit of compliance with the provisions of this section shall be filed with the court or other territorial agency or department before which the action, matter or proceeding is pending. [Sp. L. 1949, c. 4, s. 2.]

[**Sec. 10067.03.**] Section 3. [**Other laws not affected.**] Nothing herein contained shall be construed to amend or repeal chapter 162 or 163 or section 10040, Revised Laws of Hawaii 1945, as amended. [Sp. L. 1949, c. 4, s. 3.]

Section 4. The provisions of this Act are severable and if any provisions of this Act or the application thereof to any person or circumstances shall be adjudged to be invalid by

* Word "it" changed to "if" by Secretary of Hawaii, obvious typographical error.

any court of competent jurisdiction, such invalidity shall not affect the provisions or application of this Act which can be given effect without the provisions or application held invalid.

Section 5. This Act shall take effect upon its approval.
(Approved August 20, 1949.) **H.B. 11, Act 4.**

Title 27: CIVIL REMEDIES AND DEFENSES.

Chapter 218. QUIETING TITLE AT LAW.

Series D-39: ACT 46

An Act to Amend Chapter 218 of the Revised Laws of Hawaii 1945, Relating to Quieting Title at Law.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 218 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending section 10451 thereof to read as follows:

"Sec. 10451. Object of action. Action may be brought in any of the circuit courts by any person, against another person who claims, or who may claim, adversely to the plaintiff, an estate or interest in real property, for the purpose of determining such adverse claim." [L. 1890, c. 18, s. 1; R. L. 1925, s. 2757; R. L. 1935, s. 4390; R. L. 1945, s. 10451; am. Sp. L. 1949, c. 46, s. 1 (a).]

(b) By amending section 10452 thereof to read as follows:

"Sec. 10452. Defendants. Any person may be made a defendant in the action who has or claims, or may claim, an interest in the property adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the issues involved therein." [L. 1890, c. 18, s. 2; R. L. 1925, s. 2758; R. L. 1935, s. 4391; R. L. 1945, s. 10452; am. Sp. L. 1949, c. 46, s. 1 (b).]

(c) By adding thereto after section 10455 a new section to be designated section 10456, and to read as follows:

"Sec. 10456. Recording of judgment or decree. The registrar of conveyances shall receive and record every certified copy of judgment or decree quieting title to property rendered by the circuit court under the provisions of this chapter whenever such certified copy of judgment or decree shall be presented to him for record." [Sp. L. 1949, c. 46, s. 1 (c).]

Section 2. This Act shall take effect upon its approval.

(Approved October 26, 1949.) **S.B. 68, Act 46.**

Chapter 219. CLAIM AND DEMAND.

Series D-40: ACT 6

An Act to Amend Chapter 219 of the Revised Laws of Hawaii 1945, Entitled "Replevin, Aids To," by Amending the Title Thereof, by Amending Sections 10461, 10462, 10464, 10466, 10468 and 10471, and by Adding Two New Sections Thereto.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The title of chapter 219 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"CHAPTER 219. CLAIM AND DEMAND."

Section 2. Sections 10461, 10462, 10464, 10466, 10468 and 10471 of the Revised Laws of Hawaii 1945 are hereby amended to read as follows:

"Sec. 10461. Delivery of personal property, when it may be claimed. The plaintiff in an action to receive or recover the possession of personal property may, at the time of issuing the summons, or at any time before issue being joined in the action, claim the delivery to him of such personal property. If such property is a portion of divisible property of uniform kind, quality and value, the plaintiff may claim delivery or recovery of his portion. [L. 1884, c. 38, s. 1; R. L. 1925, s. 2792; R. L. 1935, s. 4400; R. L. 1945, s. 10461; am. Sp. L. 1949, c. 6, pt. of s. 2.]

Sec. 10462. Affidavit and its requisites. Where a delivery is claimed, an affidavit shall be made by the plaintiff or by someone in his behalf, showing:

1. That the plaintiff is entitled to the immediate possession of the property claimed;
2. A particular description of the property claimed; if the property claimed is a portion of divisible property of uniform kind, quality and value, the affidavit shall so state, and the amount thereof which the plaintiff claims;
3. The actual value of the property claimed;
4. That the property has not been taken for a tax, assessment or fine pursuant to a statute, or seized under an execution or an attachment against the plaintiff or his property, or if so seized that it is by statute exempt from such seizure;
5. That the property is in the possession of the defendant and a statement of the facts and circumstances relating to the possession thereof by the defendant, ac-

ording to the plaintiff's best knowledge or belief. [L. 1884, c. 38, s. 2; R. L. 1925, s. 2793; R. L. 1935, s. 4401; R. L. 1945, s. 10462; am. Sp. L. 1949, c. 6, pt. of s. 2.]

Sec. 10464. Bond by plaintiff; seizure; service of certain papers. Upon receipt of the affidavit and notice, with a written undertaking executed by two or more sufficient sureties approved by the officer to the effect that they are bound in double the value of the property, as stated in the affidavit, for the prosecution of the action to judgment, for the delivery of the property to the defendant or any other person, if such delivery thereof be adjudged, and for the payment to the defendant or any other person adjudged to have been injured, of such sum as may from any cause be recovered against the plaintiff, the officer shall forthwith take the property described in the affidavit if it be in the possession of the defendant or his agent, and retain it in his custody. He shall also, without delay, serve on the defendant a copy of the affidavit, notice and undertaking, by delivering the same to him personally if he can be found, or to his agent from whose possession the property is taken; or if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion; or if neither has any known place of abode, by putting them in the nearest post office, postpaid, and addressed to the defendant at his last known place of residence. [L. 1884, c. 38, s. 4; R. L. 1925, s. 2795; R. L. 1935, s. 4403; R. L. 1945, s. 10464; am. Sp. L. 1949, c. 6, pt. of s. 2.]

Sec. 10466. Objections to sureties. The defendant may, within two days after the service upon him, or his agent, as above provided, of a copy of the affidavit and undertaking, or, if he be served with such copy upon an island other than that upon which such action is commenced, within five days after such service, give notice in writing to the officer or his superiors at the seat of the court issuing the process therein, that he objects to the sufficiency of the sureties. If he fails to give such notice within the time specified, he shall be deemed to have waived all objection to them. When the defendant excepts, the sureties or others in their place shall justify as hereinafter provided; but where other sureties are substituted for the original, there shall be a new undertaking. [L. 1884, c. 38, s. 5; R. L. 1925, s. 2797; R. L. 1935, s. 4405; R. L. 1945, s. 10466; am. Sp. L. 1949, c. 6, pt. of s. 2.]

Sec. 10468. Manner of justifying. The manner of

justifying shall be by making oath to the following facts, by each surety:

1. If an individual, that he is a resident within the Territory, stating his place of residence, and is either a freeholder or a householder therein;

2. If an individual, that he is worth the amount specified in his undertaking over and above all debts and liabilities in property unencumbered, and not exempt from sale under execution. To this end he may be examined by the judge, clerk or justice, or by the defendant or his attorney, if present, concerning his sufficiency. The examination shall, in all cases, be reduced to writing and subscribed by the surety, if required by the defendant. The officer holding such examination shall certify the same and attach it to the written undertaking of the sureties;

3. If the surety be a corporation claiming to be authorized to do business in the Territory pursuant to the provisions of section 497, proof that such corporation is authorized under said section to do a surety business within the Territory and to execute an undertaking equal in amount to the undertaking shall be given pursuant to section 10464. [L. 1884, c. 38, s. 8; R. L. 1925, s. 2799; R. L. 1935, s. 4407; R. L. 1945, s. 10468; am. Sp. L. 1949, c. 6, pt. of s. 2.]

Sec. 10471. Bond for delivery to defendant; justification of sureties. At any time before the delivery of the property to the plaintiff the defendant may, if he does not except to the sureties of the plaintiff, require the return thereof upon giving to the officer a written undertaking executed by two or more sufficient sureties, to the effect that they are bound in double the value of the property, as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant. If a return of the property be not so required within five days after the taking and service of notice to the defendant, it must be delivered to the plaintiff, except where the property is claimed by a third party, as is provided in section 10470.

The defendant's sureties, upon notice by the plaintiff of not less than two days nor more than five days, shall justify before a judge or the clerk of the court in which the action is pending in the same manner as is required in the case of justification of sureties by section 10468." [L. 1884, c. 38, s. 12; R. L. 1925, s. 2803; R. L. 1935, s. 4410; R. L. 1945, s. 10471; am. Sp. L. 1949, c. 6, pt. of s. 2.]

Section 3. Chapter 219 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto two new sections, which shall be appropriately numbered by the secretary of Hawaii, and shall read as follows:

“Sec. [10473.] Costs. The plaintiff shall recover no fees, costs or expenses in any such proceeding unless he shall prove that the defendant was able to put the plaintiff in possession of such property and that the defendant, without right or justification, refused to do so. [Sp. L. 1949, c. 6, pt. of s. 3.]

Sec. [10474.] Process on Sunday. If the plaintiff alleges in his petition that he will lose the property unless process issues on Sunday, the seizing officer may take possession thereof on Sunday.” [Sp. L. 1949, c. 6, pt. of s. 3.]

Section 4. This Act shall take effect upon its approval. (Approved August 29, 1949.) **H. B. 7, Act 6.**

PART II. SPECIAL PROCEEDINGS FOR IMMEDIATE POSSESSION OF PERSONAL PROPERTY.

Series D-41: ACT 7

An Act to Amend Chapter 219 of the Revised Laws of Hawaii 1945, Entitled “Replevin, Aids to,” by Adding a New Part Thereto to be Designated as “Part II, Special Proceedings for Immediate Possession of Personal Property.”

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Chapter 219 of the Revised Laws of Hawaii 1945 is hereby amended by adding a new part thereto, to be designated as “Part II, Special Proceedings for Immediate Possession of Personal Property,” consisting of new sections to be appropriately renumbered by the secretary of Hawaii, and to read as follows:

[Sec. 10474.01.] “Sec. (1). Where brought; petition. A special proceeding may be brought to secure the immediate possession of personal property in any circuit court by filing a verified petition showing: (1) that the plaintiff is entitled to the immediate possession of the property claimed; (2) a particular description of the property claimed; if the property claimed is a portion of divisible property of uniform kind, quality, or value, the petition shall so state, and the amount thereof which the plaintiff claims; (3) the

actual value of the property claimed; (4) that the property has not been taken for a tax assessment, or fine pursuant to a statute, or seized under an execution or an attachment against the plaintiff or his property, or if so seized that it is by statute exempt from such seizure; (5) that the property is in the possession of the defendant, and a statement of the facts and circumstances relating to the possession thereof by the defendant, according to the plaintiff's best knowledge and belief; (6) the names of all persons other than the named defendant or defendants having or claiming or who might have or claim to have an interest in the property, according to the best belief of plaintiff. [Sp. L. 1949, c. 7, pt. of s. 1.]

[Sec. 10474.02.] Sec. (2). Procedure. When the plaintiff desires the immediate delivery of the property, he shall execute a bond to the defendant and to all persons having an interest in the property, of such amount and with such sureties as shall be approved by the judge, conditioned that he will appear on the day fixed by the court and prosecute his action to judgment, and deliver the property to the defendant or any other person, if such delivery be adjudged, and pay all costs and damages that may be adjudged against him. Upon the filing of the petition with the bond, as aforesaid, and the filing of a motion for immediate consideration of the matter, the judge shall forthwith inquire into the matter, ex parte or otherwise, as in his discretion he shall determine. If thereupon the judge shall find that a claim for relief under part II of this chapter has been established, he shall issue an order directed to the high sheriff, or his deputy, or the sheriff of the city and county, or the chief of police, or an authorized police officer of any county, or his deputy, to take the property therein described and deliver the same to the plaintiff.

Copies of the petition, and, if a bond for immediate seizure has been filed, of the bond, and, if an order for such taking has been issued on an ex parte hearing, of such order, shall forthwith be served upon the defendant and each person having or claiming a possessory interest in the property, as shown by the petition or any supplementary pleadings, in the manner provided in section 10464 for service of the affidavit, notice and undertaking therein mentioned. The court may also, either before or after issuing such an order for such taking, require or authorize service of notice of such proceeding by publication, registered mail, cable, wireless or other suitable means, or any combination thereof, upon any defendant

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or person having a possessory interest in the property, as the court deems necessary or proper, for the more adequate protection of such defendant and other persons under the circumstances. The procedure after such service shall be the same, as nearly as may be, as in the case of other civil actions at law, except as otherwise provided herein and except that, upon the application of any party, such proceeding shall be advanced and assigned for hearing at the earliest possible date, and that the court may make such other orders as may be necessary or proper to effectuate an early hearing and disposition of such proceeding. The court shall have power to make and award all such judgments, decrees, orders and mandates, to issue all such executions, writs and other processes, and to take all other steps necessary for the promotion of justice in matters pending before it, and to carry into full effect all powers which are, or may be given to it by law.

For good cause shown, the court may authorize process and orders under part II of this chapter to be served and executed on Sunday. [Sp. L. 1949, c. 7, pt. of s. 1.]

[**Sec. 10474.03.**] Sec. (3). **New parties.** Any person designated in the petition as having an interest in the property or any third person claiming any possessory interest therein may upon amended petition of the plaintiff be brought in as a party defendant, or by motion of any party be substituted as a party, or may intervene in the special proceeding in the manner provided by section 10049 or in any manner permitted by order of the court. [Sp. L. 1949, c. 7, pt. of s. 1.]

[**Sec. 10474.04.**] Sec. (4). **Execution of the order.** The officer to whom an order has been issued shall forthwith execute the same by taking possession of the property therein described, for which purpose he may enter in or upon any enclosure or other property, including any building or other structure, vehicle, vessel, or aircraft, and may, upon denial of entrance and after exhibiting his authority if requested, use necessary force to secure such entrance. [Sp. L. 1949, c. 7, pt. of s. 1.]

[**Sec. 10474.05.**] Sec. (5). **Examination of defendant.** When it appears by the return of the officer to whom the order was issued that the property claimed has been disposed of or concealed so that the order cannot be executed, the judge, upon motion and affidavit, may compel the attendance of the defendant or any other person to examine him on oath as to the situation of the property, and may

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punish a wilful hindrance to, or obstruction or disobedience of, any order of the court as a contempt. [Sp. L. 1949, c. 7, pt. of s. 1.]

[**Sec. 10474.06.**] Sec. (6). **Delivery bond.** The officer, having taken possession of the property or any part thereof, shall forthwith deliver the same to the plaintiff, unless, before the actual delivery to him, the defendant, or any person claiming an interest therein and a right to the possession thereof, upon making an affidavit of his interest and of his right to the possession stating the grounds thereof, executes a bond to the plaintiff in such amount and with such sureties as shall be approved by the judge, conditioned that he will appear in and defend the action, and deliver the property to the plaintiff, if the plaintiff recovers judgment therefor, in as good condition as it was when the action was commenced, and that he will pay all costs and damages that may be adjudged against him for the taking or detention of the property. [Sp. L. 1949, c. 7, pt. of s. 1.]

[**Sec. 10474.07.**] Sec. (7). **Return of officer.** The officer shall return the order on or before the return day specified in the order issued to him and state fully what he has done thereunder. If he has taken any property he shall describe the same particularly. [Sp. L. 1949, c. 7, pt. of s. 1.]

[**Sec. 10474.08.**] Sec. (8). **Judgment.** The judgment shall determine which party is entitled to the possession of the property and shall designate his right therein and if such party have not the possession thereof shall also determine the value of the right of such party. The court may also award judgment for damages resulting from the detention of such property. Any money judgment against any party shall also be against the sureties on his bond. [Sp. L. 1949, c. 7, pt. of s. 1.]

[**Sec. 10474.09.**] Sec. (9). **Plaintiff's option.** If the party found to be entitled to the property be not already in possession thereof by delivery under the provisions of part II of this chapter, or otherwise, he may, in addition to an execution for damages awarded under section (8) [10474.08.], at his option have an execution for the delivery of the specific property, or for the value thereof. If any portion of the property cannot be obtained on execution the party entitled thereto may take the remainder and apply for and obtain a supplementary judgment for the value of the missing portion together with damages. [Sp. L. 1949, c. 7, pt. of s. 1.]

[Sec. 10474.10.] Sec. (10). **Other remedies not affected.** The remedy provided by part II of this chapter shall be in addition to, and shall not be deemed to affect, any other remedy." [Sp. L. 1949, c. 7, pt. of s. 1.]

Section 2. This Act shall take effect upon its approval. (Approved August 29, 1949.) **H. B. 8, Act 7.**

Title 30: CRIMES.

Chapter 243. CONSPIRACY.

Series D-42: ACT 10

An Act Relating to Conspiracy, Amending Sections 11120, 11128 and 11129 of the Revised Laws of Hawaii 1945, Repealing Sections 11127 and 11130 Thereof, and Enacting a New Section of the Revised Laws of Hawaii 1945 to be Numbered 11127.01.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 11120 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11120. Conspiracy defined. If two or more persons conspire:

1. To commit any offense, or
2. To instigate or incite another or others to commit any offense, or
3. To bring or maintain any suit or proceeding knowing the same to be groundless, or
4. To cause another or others to be arrested, charged or indicted for any offense, knowing them to be innocent thereof, each shall be guilty of conspiracy." [P. C. 1869, c. 28, s. 1; am. L. 1892, c. 102, s. 1; R. L. 1925, s. 4331; R. L. 1935, s. 5720; R. L. 1945, s. 11120; am. Sp. L. 1949, c. 10, s. 1.]

Section 2. There is hereby added to chapter 243 of the Revised Laws of Hawaii 1945 a new section 11127.01 to read as follows:

"Sec. 11127.01. Witnesses' privileges. No person shall be excused from attending and testifying, or producing any books, papers or other documents, in any proceeding involving a conspiracy before any grand jury, district court or magistrate, or circuit court or judge, upon the ground that the testimony or evidence, documentary or

otherwise, required of him may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no individual shall be prosecuted, or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury in so testifying." [Sp. L. 1949, c. 10, s. 2.]

[DEGREES, PENALTIES]

Section 3. Section 11128 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11128. First degree. Conspiracy to commit a felony, or to instigate or incite another or others to commit a felony, or to cause another or others to be arrested, charged, or indicted for a felony, knowing them to be innocent thereof, is conspiracy in the first degree, and shall be punished by imprisonment at hard labor for not more than ten years, or by a fine not exceeding ten thousand dollars, or by both such fine and imprisonment; **provided**, that the punishment for any conspiracy to commit a felony, or to instigate or incite another or others to commit a felony, shall not exceed the punishment that could be given for commission of the felony involved in the conspiracy." [P. C. 1869, c. 28, s. 9; R. L. 1925, s. 4339; R. L. 1935, s. 5728; am. L. 1935, c. 99, s. 1; R. L. 1945, s. 11128; am. Sp. L. 1949, c. 10, s. 3.]

Section 4. Section 11129 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11129. Second degree. Conspiracy not included in section 11128 is conspiracy in the second degree, and shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment; **provided**, that the punishment for any conspiracy to commit a misdemeanor, or to instigate or incite another or others to commit a misdemeanor, shall not exceed the punishment that could be given for commission of the misdemeanor involved in the conspiracy." [P. C. 1869, c. 28, s. 10; am. L. 1892, c. 102, s. 2; R. L. 1925, s. 4340; R. L. 1935, s. 5729; am. L. 1935, c. 99, s. 2; R. L. 1945, s. 11129; am. Sp. L. 1949, c. 10, s. 4.]

Section 5. Sections 11127 and 11130 of the Revised Laws of Hawaii 1945 are hereby repealed.

Section 6. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 7. This Act shall take effect upon its approval; **provided**, that this Act shall not affect the liability of any person to prosecution and punishment for the offense of conspiracy committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

(Approved August 29, 1949.) **S. B. 15, Act 10.**

Chapter 270A. OBSTRUCTION OF INGRESS OR
EGRESS.

Series D-43: ACT 9

An Act Relating to the Obstruction of
Ingress and Egress, Defining Offenses in Connection
Therewith, and Prescribing the Punishment Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 11495.] Section 1. **Refusal to provide ingress or egress.** Whenever ingress to or egress from any public or private place shall be obstructed by any person or persons in such manner as not to leave a free passageway for persons and vehicles lawfully seeking to enter or leave such place, it shall be the duty of any police or other peace officer to direct such person or persons to move so as to provide and maintain a free and unobstructed passageway for persons and vehicles lawfully going into or out of such place. It shall be unlawful for any person to refuse or wilfully fail to move as directed by such officer. [Sp. L. 1949, c. 9, s. 1.]

[Sec. 11496.] Section 2. **Penalty.** Any person who shall refuse or wilfully fail to move as directed by such officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two hundred dollars or by imprisonment for not more than six months, or both such fine and imprisonment. [Sp. L. 1949, c. 9, s. 2.]

Section 3. **Effective date.** This Act shall take effect on its approval.

(Approved August 29, 1949.) **H. B. 13, Act 9.**

Chapter 273A. PICKETING OF RESIDENCE OR DWELLING.

Series D-44: ACT 8

An Act Prohibiting Picketing Before or About Residences and Dwelling Places, making the Same a Misdemeanor, and Providing Penalties.

Be it Enacted by the Legislature of the Territory of Hawaii:

[Sec. 11526.] Section 1. [Declarations of legislature.] It is hereby declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes a feeling of well-being, tranquility, and privacy, and when absent from their homes carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes; that the practice of picketing before or about residences and dwelling places causes emotional disturbance and distress to the occupants; that such practice has as its object the harassing of such occupants and, without resort to such practice, full opportunity exists, and under the terms and provisions of this Act will continue to exist, for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary in the public interest, to avoid the detrimental results herein set forth. [Sp. L. 1949, c. 8, s. 1.]

[Sec. 11527.] Section 2. [Picketing of residence or dwelling prohibited.] It shall be unlawful for any person to engage in picketing before or about the residence or dwelling place of any individual. Nothing herein shall be deemed to prohibit (1) the picketing in any lawful manner, during a labor dispute, of the place of employment involved in such labor dispute; or (2) the holding of a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest. [Sp. L. 1949, c. 8, s. 2.]

[Sec. 11528.] Section 3. [Penalty.] Any person violating section 2 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$200.00 or by imprisonment for not more than six months, or both such fine and imprisonment. [Sp. L. 1949, c. 8, s. 3.]

Section 4. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the

remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 5. This Act shall take effect upon its approval.
 (Approved August 29, 1949.) **H. B. 10, Act 8.**

PART E.

Title 37: WAR EMERGENCY, MILITARY AND DEFENSE.

Chapter 320. NATIONAL GUARD.

Series E-45: ACT 31

An Act to Amend Chapter 320 of the Revised Laws of Hawaii 1945, as Amended, Relating to the National Guard of the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 13071 of the Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby amended to read as follows:

“Sec. 13071. [Pay of enlisted men while on active duty.] Enlisted men of the Hawaii National Guard and Hawaii Air National Guard while on active duty in the service of the Territory of Hawaii, except during periods of encampments, maneuvers and other exercises, including outdoor target practice, shall receive the same pay and allowances as enlisted men of similar rank in the United States Army and the United States Air Force, respectively.” [R. L. 1945, s. 13071; am. L. 1947, c. 123, pt. of s. 1; am. Sp. L. 1949, c. 31, s. 1.]

Section 2. This Act shall take effect upon its approval.
 (Approved October 24, 1949.) **S.B. 69, Act 31.**

APPENDIX, Note 8:

LOAN FUND ACTS AND BOND ISSUES.

Series E-46: ACT 61

An Act to Amend Act 401, Session Laws of Hawaii 1949, Relating to Public Improvements and the Financing Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 401 (Series E-325) of the Session Laws of Hawaii 1949 is hereby amended, by amending items 40 and 41 of section 2(a) thereof, as follows:

(a) In item 40, add after the words "building construction" the words "and equipment".

(b) In item 41, add after the words "building construction" a comma and the words "equipment and relocation of teachers' cottages".

Section 2. No moneys appropriated by Act 401, Session Laws of Hawaii 1949, shall be expended for equipment under said item 40, or for equipment and relocation of teachers' cottages under said item 41, unless and until the Congress of the United States shall enact legislation approving this Act.

Section 3. This Act shall take effect upon its approval.

(Approved October 31, 1949.) **H.B. 40, Act 61.**

AIRPORTS.

Series E-47: ACT 18

An Act Relating to Public Improvements, and the Financing Thereof, Making Appropriations for Public Improvements, Providing for the Issuance of Public Improvement Bonds, and Repealing Act 368 of the Session Laws of Hawaii 1949.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated for expenditures by the Hawaii aeronautics commission the sum of \$1,641,770.00, or so much thereof as may be necessary, out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated, for construction, reconstruction, improvement, alteration, betterment or extension of airports and air navigation facilities operated by the Hawaii aeronautics commission as follows:

- 1. Honolulu Airport \$442,570.00
- 2. Territorial airports in the counties of Maui and Kalawao 251,050.00
- 3. Territorial airports in the county of Hawaii 546,925.00
- 4. Territorial airports in the county of Kauai 401,225.00

Expenditures for preparatory studies, plans and specifications for such projects may be made from the sums so appropriated.

Section 2. The money appropriated hereby shall be disbursed and the improvements provided for shall be initiated and constructed in accordance with the pertinent provisions of Act 32, (Series A-75), Session Laws of Hawaii 1947.

Section 3. The Hawaii aeronautics commission shall pay to the treasurer of the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for the projects for which provision is herein made, the interest then due thereon and in addition thereto shall pay to the treasurer of the Territory on or before the twentieth day of November of each year the amount of the principal of such serial bonds maturing the following year.

The auditor of the Territory is authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the Hawaii aeronautics commission such amounts when due as are required by this section to be paid by the Hawaii aeronautics commission, and proper receipts shall thereupon be exchanged between the Hawaii aeronautics commission and the treasurer of the Territory.

Section 4. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any act of the Congress of the United States to be expended in connection with or for the construction of any of the projects or works authorized by any item of this Act, the Hawaii aeronautics commission shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the Territory (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans

or advances made or to be made, under any act or acts of the Congress of the United States authorizing such loans or advances by the United States or any such board, agency or instrumentality to the Territory for the construction, in whole or in part, of any public works project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

Section 5. Act 368 [Series F-338] of the Session Laws of Hawaii 1949 is hereby repealed.

Section 6. This Act shall take effect upon its approval.
(Approved October 18, 1949.) **S.B. 29, Act 18.**

CIVILIAN CONSERVATION CORPS.

Series E-48: ACT 63

An Act Providing Employment and Vocational Training to Certain Unemployed; Creating the Hawaiian Civilian Conservation Corps Within the Board of Agriculture and Forestry; and Making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby established the Hawaiian civilian conservation corps, hereinafter called the corps, for the purpose of providing employment, as well as vocational training for youthful residents of the Territory who are unemployed and in need of employment, through the performance of useful public work in connection with the conservation and development of the natural resources of the Territory, and through the devotion of at least ten hours per week in general educational and vocational training.

Section 2. The president of the board of agriculture and forestry, hereinafter referred to as the president, shall have complete and final authority in the functioning of the corps, subject to such rules and regulations as may be promulgated by the board of agriculture and forestry. The president is hereby authorized to take such steps as may from time to time be necessary to secure funds that may be made available by the federal government for such purposes.

Section 3. In order to carry out the purposes of this Act, the president is authorized to provide for the employment of the corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, de-

velopment, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish and wildlife on lands or interests in lands (including historical or archeological sites), belonging to, or under the jurisdiction of the Territory and the several counties.

Section 4. The president of the board of agriculture and forestry is authorized, within the limit of funds available, to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the corps without regard to the civil service laws and regulations of the Territory.

Section 5. The president is authorized to have enrolled not to exceed five hundred men at any one time and may establish camps and facilities for such persons.

Section 6. The enrollees in the corps shall be unmarried male residents of the Territory between the ages of seventeen and twenty-three years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment. The president may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the corps, except that no person shall be excluded on account of race, color, or creed. The enrollments shall be for a period of not less than six months, and re-enrollments shall not exceed a total term of two years. In the discretion of the president, continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence. The president shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide. Any enrollee may be discharged for the convenience of the Territory within thirty days prior to the expiration of his period of enrollment.

Section 7. The compensation of enrollees shall be in accordance with schedules approved by the board of agriculture and forestry, in such amounts as will best carry out the purposes of this Act, with due regard taken of quarters, subsistence and other items to be furnished enrollees during their enrollment. Enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the president, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts that may be specified by the president, to be repaid in case of an emergency, or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly.

Section 8. Enrollees shall be provided, in addition to the monthly rates of pay which may be established, with such quarters, subsistence and clothing, or commutation in lieu thereof, medical attention, hospitalization and transportation as the president of the board may deem necessary. The provisions of chapter 77 of the Revised Laws of Hawaii 1945, as amended, relating to disability or death compensation and benefits shall apply to the enrolled personnel of the corps.

Section 9. The governor is hereby authorized to direct the utilization of the facilities and services of such departments or agencies of the government as he may deem necessary for carrying out the purposes of this Act.

Section 10. The president may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while enroute upon discharge to their homes.

Section 11. In order to finance the purposes of this Act, the sum of \$3,000,000.00 is hereby appropriated out of any moneys received on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield said amount from time to time as may be required. The bonds issued under the provisions of this Act shall be in addition to, and shall not be subtracted from, the amount of bonds authorized to be issued under the provisions of section 55 of the Hawaiian Organic Act.

Section 12. The Congress of the United States is hereby requested to authorize the issuance by the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of Congress to the contrary notwithstanding, of public improvement bonds in the amount of \$3,000,000.00 for the purposes of this Act. No issue of bonds shall be made until the issue is approved by the President of the United States. The Congress of the United States is likewise hereby requested to approve this Act.

Section 13. The moneys appropriated by the foregoing provisions of this Act shall not be expended unless and until the Congress of the United States shall enact legislation approving this Act and authorizing the issuance of bonds as described in section 12 of this Act.

Section 14. This Act shall take effect upon its approval.
(Approved November 1, 1949.) **S.B. 61, Act 63.**

KAWAIHAE TERMINAL.

Series E-49: ACT 55

An Act Relating to Public Improvements and the Financing Thereof, Providing for an Overseas Terminal at Kawaihae, County of Hawaii, Making an Appropriation for Said Overseas Terminal and appurtenances, and Providing for the Issuance of Bonds Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated the sum of \$1,000,000.00 or so much thereof as may be necessary, out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated, for an overseas terminal at Kawaihae harbor, Kawaihae, county of Hawaii, including surveys, design work, plans, land acquisition, improvements to land, and other necessary expenses.

Section 2. The moneys appropriated hereby shall be expended and the said overseas terminal herein provided for shall be initiated, constructed and carried out by the board of harbor commissioners. Funds from the harbor board reserve fund may be used in connection with, or to supplement, funds appropriated by this Act.

Section 3. This Act shall not be deemed to amend Act 95 [Series F-211] of the Session Laws of Hawaii 1947 or to affect the appropriation therein made for the said overseas terminal, Kawaihae harbor, Hawaii. No expenditures, however, shall be made from funds appropriated by this Act for the said overseas terminal unless and until it is determined by the said board of harbor commissioners that revenue bonds cannot be issued and sold by the said board of harbor commissioners for the said overseas terminal (as authorized by said Act 95) at a rate of interest which will be no more, and upon terms which will be no less favorable to said board, than it determines bonds can be issued and sold for under this Act. The certificate of the chairman of the said board in regard to the said determinations by the said board shall be final and conclusive for all purposes.

In the event such determinations are made and bonds are issued and sold under this Act for the said overseas terminal, no bonds shall be issued and sold by the said board under said Act 95 for the said overseas terminal.

Section 4. The said board of harbor commissioners shall

pay to the treasurer of the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for the said overseas terminal for which provision is herein made, the interest then due thereon and in addition thereto shall pay to the treasurer of the Territory on or before the first day of December of each year the amount of principal of such serial bonds maturing the following year. Said payments shall be made from the harbor board special fund as provided in section 4998 of the Revised Laws of Hawaii 1945, as amended.

Section 5. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any act of the Congress of the United States to be expended in connection with or for the construction or development of the said overseas terminal authorized by this Act, the said board of harbor commissioners shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the Territory (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such overseas terminal.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any act or acts of the Congress of the United States authorizing such loans or advances by the United States or any such board, agency or instrumentality to the Territory or to the said board of harbor commissioners for the construction, in whole or in part, of the said overseas terminal authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

Section 6. This Act shall take effect upon its approval.
(Approved October 31, 1949.) **S.B. 37, Act 55.**

Note 9. PENSIONS. (BONUS)

Series E-50: ACT 32

An Act Providing a Monthly Twenty-Five Dollar Bonus for Pensioners, and Appropriating Funds for Payment Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Every pension payable under the employees' retirement system of the Territory of Hawaii, or payable under or pursuant to any law of the Territory, or by any county, or independent public board or commission, shall be increased by a bonus of twenty-five dollars per month for the period commencing on the first day of the first month immediately succeeding the approval of this Act, and ending June 30, 1951, any provision in any other law to the contrary notwithstanding; **provided**, that where the dependents of a deceased pensioner are receiving pensions by reason of his death, the total only of all amounts paid to such dependents shall be so increased, and the increase herein provided for shall be shared by them in proportion to the respective amounts of pension receivable by them exclusive of this increase; **provided** further, that such bonus in such amount shall be payable only so long as the general employees' bonus in the maximum amount of \$25.00 per month is payable under the provisions of Act 208 of the Session Laws of Hawaii 1947, as continued by Act 367 [Series F-333] of the Session Laws of Hawaii 1949, and that in the event the amount of the general employees' bonus is reduced pursuant to the provisions of said Acts, the amount of the bonus provided by this Act shall be reduced in like amount or percentage; **provided**, however, that the bonus provided by this section shall not be reduced below twelve dollars per month notwithstanding any further reduction in the amount of the general employees' bonus.

Section 2. The board of trustees of the employees' retirement system of the Territory of Hawaii is hereby authorized and directed to pay the bonus required by this Act to pensioners under said system, the territorial auditor is hereby authorized and directed to pay the bonus required by this Act to all territorial pensioners who are not under said system, and the appropriate officer of each county, and each independent board or commission hereby affected, is hereby authorized and directed to pay the bonus hereby granted to pensioners whose pensions are payable by said respective counties, boards and commissions, all such payments to be made from allotments pursuant to Section 3; and all such boards, commissions and officers are hereby directed to certify to the director of the bureau of the

budget, promptly upon the enactment of this Act, the amounts required to meet such bonus payments to and including December 31, 1949, and to similarly certify the amounts required every six months, as directed by the bureau of the budget.

Section 3. There is hereby appropriated from the general revenues of the Territory sufficient moneys to pay the bonus provided for by this Act. Such appropriation shall be allotted by the director of the bureau of the budget, with the approval of the governor, to the several boards, commissions and officers required to make such payments, and in the case of the counties the moneys so allotted shall be paid into the county treasuries and held in special funds solely for such purpose.

Section 4. The provisions of this Act shall supersede the provisions of Act 376 (Series E-330) of the Session Laws of Hawaii 1949 in so far as the provisions of said Act 376 are inconsistent herewith.

Section 5. This Act shall take effect upon its approval.
(Approved October 24, 1949.) **H.B. 25, Act 32.**

DISABLED VETERANS' BONUS.

Series E-51: ACT 52

An Act to Amend Section 4 of Act 214 (Series E-190) of the Session Laws of Hawaii 1947, Relating to Bonuses for Disabled Veterans.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 4 of Act 214 (Series E-190) of the Session Laws of Hawaii 1947 is hereby amended by deleting in lines 8 and 9 the words "shall be receiving a disability pension of ten per centum or more under the laws of the United States," and inserting in lieu thereof the following:

"shall be receiving from the federal government disability compensation of ten per cent or more for a war service-connected disability."

Section 2. This Act shall apply only to applications for bonuses filed after approval of this Act but nothing herein contained shall be applicable to bonuses already paid or applications received before approval of this Act nor shall any disabled veteran who has already received payment of his bonus be required to refund all or any portion thereof because of the provisions of this Act.

Section 3. This Act shall take effect upon approval.
(Approved October 27, 1949.) **H.B. 38, Act 52.**

PART F. TEMPORAL ACTS.

1. GENERAL APPROPRIATIONS.

Series F-52: ACT 1

An Act to Appropriate Money for the Expenses of the Twenty-Fifth Legislature of the Territory of Hawaii for the Special Session Thereof Commencing July 26, 1949.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated from the public treasury the sum of seventy-five thousand dollars (\$75,000.00), or so much thereof as may be necessary, for the purpose of defraying the expenses of the Senate of the Twenty-fifth Legislature of the Territory of Hawaii at a special session thereof commencing July 26, 1949.

Section 2. Should there remain any balance of the aforesaid sum of seventy-five thousand dollars (\$75,000.00) unexpended and not contracted for expenditure at the close of said special session, such balance shall revert to the general fund of the Territory of Hawaii.

Section 3. There is hereby appropriated from the public treasury the sum of one hundred thousand dollars (\$100,000.00), or so much thereof as may be necessary, for the purpose of defraying the expenses of the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii at a special session thereof commencing July 26, 1949.

Section 4. Should there remain any balance of the aforesaid sum of one hundred thousand dollars (\$100,000.00) unexpended and not contracted for expenditure at the close of said special session, such balance shall revert to the general fund of the Territory of Hawaii.

Section 5. This Act shall take effect upon its approval.
(Approved August 1, 1949.) **S.B. 22, Act 1.**

AMENDMENTS TO BIENNIAL APPROPRIATION.

Series F-53: ACT 11

An Act to Amend Act 335 of the Session Laws of Hawaii 1949, Relating to the Appropriation Therein Made to the Hawaii Visitors Bureau.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 335 [Series F-331] of the Ses-

sion Laws of Hawaii 1949 is hereby amended by amending the rider to the item of appropriation therein made to the Hawaii visitors bureau to read as follows:

“**Provided** that this appropriation shall become available from time to time in fractional amounts equal to the amounts then contributed by and received from individuals and business organizations by said Hawaii visitors bureau, five members of which bureau shall be appointed by the governor for terms of one year each or until a successor is appointed, one of said members to be selected to represent each of the counties of Honolulu, Hawaii, Maui and Kauai, upon nomination of the boards of supervisors of the respective counties in conjunction with the principal civic or commercial organizations of said counties, and one to be selected by the governor to represent the Territory at large; **provided**, further, that the bureau shall from time to time use from the funds appropriated by this Act amounts at least equal to the respective contributions received by the bureau prior to January 1, 1951, from persons and business organizations doing business in the counties of Hawaii, Maui and Kauai, for advertising and promotional work in the Territory for the benefit of said respective counties from which the contributions were received, the maximum amount to be so used from said funds for each of said counties to be \$60,000.00 for the county of Hawaii, \$50,000.00 for the county of Maui and \$40,000.00 for the county of Kauai; **provided**, further, that, except as to the amounts to be expended from said funds for the benefit of the counties of Hawaii, Maui and Kauai, said funds appropriated by this Act shall be expended exclusively for display advertising space, in metropolitan newspapers and national magazines of the mainland United States and/or Canada, and for broadcast or radio; said moneys shall be issued to said Hawaii visitors bureau by warrants of the auditor of the Territory of Hawaii only when satisfactory evidence has been presented to said auditor that such amounts from individuals and business organizations have been collected in cash and deposited in a bank to the credit of the Hawaii visitors bureau for this purpose; **provided**, further, that a detailed account of all expenditures from this appropriation and from said contributions shall be submitted to the next legislature.”

Section 2. This Act shall take effect upon its approval and shall be retroactive as of July 1, 1949.

(Approved October 4, 1949) **H. B. 20, Act 11.**

Series F-54: ACT 43

An Act Amending Act 335, Session Laws of Hawaii 1949, Relating to Appropriations out of the General Revenues for the Biennial Period Ending June 30, 1951.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 335 (Series F-331) of the Session Laws of Hawaii 1949 is hereby amended by inserting under the caption "QUASI-PUBLIC INSTITUTIONS" and following the entry "Wilcox Memorial Hospital.....\$43,253.00," the words and figures:

"Waimea Hospital \$ 25,000.00".

Section 2. This Act shall take effect upon its approval. (Approved October 26, 1949.) **S.B. 41, Act 43.**

Series F-55: ACT 66

An Act to Provide Funds for the Eradication of Rats in Kona, Hawaii; Amending Act 335 of the Session Laws of Hawaii 1949 for Such Purpose.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 335 [Series F-331] of the Session Laws of Hawaii 1949 is hereby amended by adding a new proviso to the appropriation made therein for the university of Hawaii, said proviso to read as follows:

"**Provided**, however, that the sum of \$4,000 shall be expended for rat eradication in Kona, county of Hawaii, under the direction of the Agricultural Extension Service of the university, which agency shall give careful and particular attention to rat eradication in the coffee lands of the Kona district."

Section 2. This Act shall take effect upon its approval. (Approved November 1, 1949.) **H.B. 68, Act 66.**

FIRE PROTECTION, HONOLULU HARBOR.

Series F-56: ACT 30

An Act Amending Act 333 of the Session Laws of Hawaii 1949, Providing for Fire Protection of Honolulu Harbor, Including Authorization for the Purchase, Operation and Maintenance of a Fire Boat and Facilities for the Cleaning of Oil and Debris from Said Harbor, and Making Appropriations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 333, [Series F-341], Session Laws, 1949, is hereby amended to read as follows:

“Section 1. There is hereby appropriated from the general revenues of the Territory the sum of three hundred thousand dollars (\$300,000.00) or so much thereof as may be necessary for the following purposes: (1) for the acquisition, equipment, maintenance and operation of a fire boat for the fire protection of Honolulu harbor; (2) for the acquisition, equipment, maintenance and operation of facilities for removing oil and debris from Honolulu harbor; (3) for the payment of salaries to persons employed in the operation and maintenance of said fire boat and facilities; and (4) for the construction and maintenance of living quarters ashore, for personnel employed pursuant to this Act, upon property under the care and control of the board of harbor commissioners of the Territory of Hawaii.”

Section 2. Section 3 of Act 333, [Series F-341], Session Laws, 1949, is hereby amended to read as follows:

“Section 3. The board of harbor commissioners may from time to time enter into agreements with the city and county of Honolulu for the furnishing of personnel for the operation and maintenance of said fire boat, and agreements for the payment of salaries in whole or in part to any or all personnel employed under this Act.”

Section 3. This Act shall take effect upon its approval.

(Approved October 24, 1949.) **S.B. 59, Act 30.**

UNIVERSITY OF HAWAII.

Series F-57: ACT 39

An Act Amending Act 101, Session Laws of Hawaii 1949, Relating to Construction of Certain Buildings for the University of Hawaii at Kainaliu, North Kona, Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 101, [Series F-353], Session Laws of Hawaii 1949, is hereby amended by deleting the last thirty-nine words appearing therein and substituting in lieu thereof the following:

“for the construction of a building to house the extension service, including space for offices and meeting rooms, of

the cooperative extension service in agriculture and home economics of the university of Hawaii at Kainaliu, North Kona, to be used by the county agent and staff of the university extension service.”

Section 2. This Act shall take effect upon its approval. (Approved October 24, 1949.) **H.B. 92, Act 39.**

HAWAII COUNTY.

Series F-58: ACT 15

An Act to Amend Act 54 of the Session Laws of Hawaii 1949, Relating to the County of Hawaii Extra Tax on Liquid Fuel and the Expenditure of the Proceeds Thereof.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 54 [Series F-359] of the Session Laws of Hawaii 1949 is hereby amended by amending item 3 of section 3 thereof to read as follows:

“3. Widen, realign and pave Mamalahoa highway from Palani road junction to Huehue, North Kona, or widen, realign and pave said Mamalahoa highway from Holualoa village to said Palani road junction, or both said projects, in the discretion of said board \$ 22,200.00.”

Section 2. This Act shall take effect upon its approval. (Approved October 18, 1949.) **S.B. 26, Act 15.**

Series F-59: ACT 16

An Act Amending Act 230 of the Session Laws of Hawaii 1943, as Amended, Relating to Appropriations by Way of Advancement from the General Fund of the Territory of Hawaii for the Construction of Certain Roads and Other Public Improvements and the Acquisition of Land for such Purposes in the County of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 230 of the Session Laws of Hawaii 1943, as amended by Act 259 of the Session Laws of Hawaii 1945 and by Acts 45 and 227 of the Session Laws of Hawaii 1947, is hereby further amended by amending item 3 of section 1 thereof to read as follows:

“3. Clearing and improving leased land at Mahukona,

Kohala, county of Hawaii, for a public park, by the board of supervisors, including construction of improvements thereon or in connection therewith . . . \$4,000.00".

Section 2. This Act shall take effect upon its approval.
(Approved October 18, 1949.) **S.B. 27, Act 16.**

Series F-60: ACT 22

An Act Amending Act 207 of the Session Laws of Hawaii 1949, Relating to Public Improvements in the District of South Kohala, County of Hawaii, and Making Appropriations Therefor by Way of Advancement From the General Fund of the Territory.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 207 [Series F-365] of the Session Laws of Hawaii 1949 is hereby amended in the following respects:

1. By amending section 1 thereof to read as follows:

"Section 1. The sum of \$175,000.00, or so much thereof as may be necessary, is hereby appropriated, by way of advancement, out of the territorial general fund for the following purposes: (a) the acquisition of land in fee simple for a forty-foot wide road right of way in the district of South Kohala, county of Hawaii, commencing at the south end of the Kawaihae park road, at Kawaihae park, and thence running in a southerly direction across the lands of Kawaihae 2 and Ouli and Lalamilo and to and through the beach area at said Lalamilo reserved for houselot subdivision in territorial general lease number 3083; and (b) the construction of a gravel or water-bound macadam road, or the equivalent thereof, commencing at the said south end of the said Kawaihae park road and running as aforesaid along and over the said right of way to and through the said beach area, including storm drains, bridges, and other structures necessary to road construction; and (c) the acquisition of all such rights of way for domestic water pipe lines as are deemed necessary or advisable by the commissioner of public lands of the Territory to furnish and supply all houselots hereafter subdivided at the said beach area and at other beach areas in the land of Lalamilo with an adequate supply of domestic water, together with rights of ingress and egress thereto over lands adjacent to said rights of way; and (d) the acquisition of land for tanks, including accessories thereto, to be used in connection with the said pipe lines; and (e) the construction of pipe lines for a domestic water

system (including tanks and accessories thereto) commencing from such point on the Waimea-Kawaihae pipe line system as the commissioner of public lands shall determine to be advisable and running thence through the lands aforesaid and to and through the said beach area and the other said beach areas. Said appropriation shall be expended for the said purposes and in the amounts set forth in the schedule hereinafter set forth, to-wit:

1. For the acquisition of land for the said road, for the construction of the said road, and for the acquisition of rights of way for the said pipe lines and of land for the said tanks and accessories\$65,000.00

2. For the construction of the said domestic water pipe lines, including tanks and other accessories110,000.00.

In case the amount specified in either of the two items set forth in the above schedule shall not be wholly required to complete the work on such item the unrequired balance may, after completion of said work or after it is definitely found by the officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount specified for such item, will be required to complete said work, be expended for the work specified in the other item."

2. By amending section 2 thereof to read as follows:

"Section 2. The said commissioner of public lands shall acquire the said land for the said road, tanks and accessories and the said rights of way for the said pipe lines, and shall construct the said road, pipe lines and other improvements authorized by this Act as soon as possible. Land and rights of way may be acquired by purchase or eminent domain or, in the manner provided in and subject to the provisions of the Organic Act and chapter 78 of the Revised Laws of Hawaii 1945, by exchange of the old government trail running across the aforesaid lands of Kawaihae 2 and Ouli for the fee simple title to the said road right of way, or any part thereof, or by any two or all of said methods. The said road and the said pipe lines, including tanks and accessories, may be constructed or improved under section 4527 of the Revised Laws of Hawaii 1945, as amended."

Section 2. This Act shall take effect upon its approval.

(Approved October 18, 1949.) **S.B. 38, Act 22.**

MAUI COUNTY.

Series F-61: ACT 25

An Act to Amend Act 359 of the Session Laws of Hawaii 1949, Relating to the Extension of the Highway From Kanaio to Kalama Park, County of Maui, and an Appropriation therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Sections 2 and 3 of Act 359 (Series F-395) of the Session Laws of Hawaii 1949 are hereby amended to read as follows:

“Section 2. The construction authorized herein shall be under the supervision of and be carried out by the superintendent of public works of the Territory who shall furnish engineering services and general supervision. The department of institutions shall at all times furnish not less than thirty-five (35) prisoners each day, together with guards and camps for, and maintenance of prisoners, as required for the actual construction work. The sum of fifteen thousand dollars (\$15,000.00) of the sum appropriated by section 1 shall be used for personnel required to administer such camps, such amount to be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the director of institutions.

Section 3. The moneys appropriated by this Act, other than the moneys earmarked for personnel required to administer the camps established under section 2, shall be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the said superintendent of public works.”

Section 2. This Act shall take effect upon its approval. (Approved October 20, 1949.) **S.B. 42, Act 25.**

Series F-62: ACT 26

An Act to Amend Item 8 of Section 4 of Act 54 of the Special Session Laws of Hawaii 1941, Appropriating Funds for the Various Counties and City and County and Providing for Certain Expenditures Therefrom.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Item 8 of section 4 of Act 54 [Series E-85] of

the Special Session Laws of Hawaii 1941 is hereby amended in the following respects:

(a) By amending paragraph (a) of said item to read as follows:

“(a) Cafeteria building . . . \$10,500.00;”

and

(b) By deleting from said item paragraphs (b) and (c).

Section 2. This Act shall take effect upon its approval.

(Approved October 20, 1949.) **S.B. 56, Act 26.**

Series F-63: ACT 47

An Act to Amend Act 63, Session Laws of Hawaii 1947, Relating to Water Storage Facilities on the Island of Molokai.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 63 of the Session Laws of Hawaii 1947 (Series F-236) is hereby amended by amending the title thereof to read as follows:

“AN ACT APPROPRIATING \$100,000.00 FOR WATER FACILITIES ON THE ISLAND OF MOLOKAI.”

Section 2. Said Act 63 is hereby further amended by deleting the last eleven words of section 1 thereof and inserting in lieu thereof the following:

“facilities on the Island of Molokai.”

Section 3. Said Act 63 is hereby further amended by changing the period at the end of section 2 thereof to a comma and adding the following:

“and in accordance with plans approved by the Hawaiian homes commission.”

Section 4. This Act shall take effect upon its approval.

(Approved October 26, 1949.) **H.B. 27, Act 47.**

KAILUA (KONA) AIRPORT LITIGATION.

Series F-64: ACT 29

An Act to Authorize Litigation for the Determination of the Merits of the Claims of John G. Medeiros, Limited, for Additional Work and Materials Furnished in Connection With the Construction of

Kailua Airport, County of Hawaii; and Making Appropriations Therefor.

WHEREAS, the Territory of Hawaii and John G. Medeiros, Limited, a Hawaiian corporation, entered into a contract dated April 22, 1948, under which the said John G. Medeiros, Limited, furnished work and materials for the construction of Kailua airport, county of Hawaii; and

WHEREAS, the said John G. Medeiros, Limited, has made claims for the furnishing of work and materials over and above those called for by the plans and specifications of said project, and the said John G. Medeiros, Limited, has made claim that said extra work and materials were furnished at the insistence and direction of representatives of the Territory; and

WHEREAS, the said John G. Medeiros, Limited, has claimed that the furnishing of extra work and materials was made necessary by reason of inaccuracies in plans and specifications and engineering work done by the Territory of Hawaii; and

WHEREAS, the department of public works of the Territory of Hawaii has denied the validity of the said claims of the said John G. Medeiros, Limited; and

WHEREAS, the legislature believes that compensation should be paid to John G. Medeiros, Limited, in the event it may be established by trial in court that the Territory of Hawaii has received the benefit of additional work and materials furnished by the said John G. Medeiros, Limited, and that: (a) said additional work and materials were not required by the aforesaid contract, or (b) the furnishing of said additional work and materials was necessitated by errors in plans or specifications or the establishment of grades set on the ground or the establishment of cross-sections by the engineering staff of the Territory of Hawaii; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The circuit courts of the Territory of Hawaii shall, subject to appeal or review as provided by law, have jurisdiction to hear and determine the merits of the claim or claims of John G. Medeiros, Limited, for reimbursement for extra or additional work and materials furnished to the Territory of Hawaii in connection with the construction of Kailua airport.

Section 2. There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, the sum of \$121,470.00 for the payment of the judgment of the court trying the action authorized by this Act to be brought, in the event any judgment in favor of John G. Medeiros, Limited,

is made and entered by the court; such payment, if any, shall be made by the territorial treasurer upon a warrant drawn and issued by the territorial auditor.

Section 3. This Act shall take effect upon its approval.

(Approved October 21, 1949.) **S.B. 43, Act 29.**

LABOR DISPUTES: STEVEDORING INDUSTRY.
(TEMPORARY ACT)

Series F-65: ACT 2

An Act Relating to the Stevedoring Industry and Related Facilities and Services, Including Terminal Services; Declaring that Strikes, Lockouts, Stoppage, Slowdown, or Retardation of Services in Said Related Facilities and Services Imperil the Public Health, Safety and Welfare; Declaring a Public Emergency Arising from the Present Stevedoring Strike; Providing for the Territory of Hawaii to Take Possession of and Take Over and Operate Such Stevedoring Industry and Such Related Facilities and Services During the Aforesaid Emergency and Other Emergencies Occurring Thereafter; Providing for Injunctions Against Interference with the Conduct of such Operations by the Territory by Strikes, Other Concerted Activities, or Other Means; Conferring Certain Powers and Imposing Certain Duties Upon the Governor of the Territory of Hawaii in Regard to such Industry, Facilities and Services Before and During Such Emergencies, Including the Power to Make Rules and Regulations for Carrying Out the Provisions of This Act; Providing Penalties for Violations of Such Rules and Regulations; Making an Appropriation and Providing Other Funds in Connection Herewith.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. **Findings and declarations of legislature.** The legislature takes cognizance of the fact that a strike in the stevedoring industry of the Territory of Hawaii has been in effect since May 1, 1949; that the parties to said dispute have carried on extensive collective bargaining negotiations over a period of more than six months and have failed to reach any agreement; that voluntary mediation by the Territory and by federal agencies has failed; that the governor has called an emergency board which after full hearings found the facts

with respect to the dispute and made a recommendation, which recommendation was accepted on one side but rejected on the other; that the continuous furnishing of stevedoring services, together with all related facilities and services (including terminal services) necessary to the loading and unloading and arrival and departure of vessels at ports in the Territory of Hawaii is essential to the public health, safety and welfare; that strikes, lockouts, and stoppage, slowdown, or retardation of services in such stevedoring industry, or in such related facilities and services imperil the public health, safety and welfare; that a public emergency now exists due to the aforesaid stevedoring strike; that in order to provide for the immediate resumption of services in the present emergency, in the most expeditious and practical manner, it is necessary that the governor be authorized to take over and operate the stevedoring companies involved in the dispute, together with such related facilities and services as he may deem necessary to open and keep open to commerce the ports of the Territory of Hawaii.

In making these findings the legislature has taken into consideration, in addition to the foregoing, the geographical isolation of these islands and their dependence upon imports and exports for the necessities of life and the functioning of their essential economy, and the fact that continuous ocean shipping is a life line essential to the existence of the community.

Section 2. Definitions. As used in this Act unless the context clearly indicates otherwise:

(a) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees or receivers.

(b) "Stevedoring industry" means the business of furnishing services for the loading and unloading of cargo transported or to be transported on vessels and other craft and the handling of lines of vessels and other craft, at any ports within the Territory of Hawaii. "Stevedoring services" means services for the loading and unloading of cargo transported or to be transported on vessels and other craft and the handling of lines of vessels and other craft, at any ports within the Territory of Hawaii.

(c) "Related services" means and includes all services, other than stevedoring services, ordinarily or necessarily performed in regard to cargo, goods, wares, and merchandise of every kind arriving at a terminal facility for shipment by or discharge from vessels and other craft; and "related facilities" means and includes all facilities in connection therewith.

(d) "Company" shall mean any person engaged in the stevedoring industry or related services as an employer.

(e) "Labor dispute" means any controversy concerning wages, hours or other terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours, or other terms or conditions of employment.

(f) "Dispute" means any labor dispute or other controversy between an employer and its employees.

(g) "Strike" means the temporary stoppage of work, slow-down, or retarding of production or operations by the concerted action of two or more employees as the result of a labor dispute, whether the labor dispute is between such employees and their employer or between any other persons.

(h) "Lockout" means the refusal of an employer to furnish work to employees as the result of a labor dispute between such employer and its employees.

(i) "Labor organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

(j) "Bargaining unit" shall mean the unit appropriate for the purposes of collective bargaining as determined under the Federal Labor Management Relations Act, as amended from time to time.

Section 3. Government operations. (a) If upon the taking effect of this Act, the governor finds that the emergency declared by the legislature in section 1 still continues, he shall issue a proclamation of such emergency. Such proclamation shall urge the parties to the dispute to forthwith resume work and operation in the public interest, and it shall state that if such work and operation is not resumed forthwith he will, pursuant to the provisions of this Act, take immediate possession of such stevedoring companies involved in the dispute, together with such related facilities and services, as he shall find necessary to carry out the purposes of this Act. Before or after such proclamation the governor may make such preparations as he may deem necessary or proper to carry out the provisions of this Act. After such proclamation and immediately upon the completion of such preparations the governor shall take possession of the entire business, plant and facilities, including related facilities, of each stevedoring company involved in the dispute, or so much thereof as the governor may deem necessary, in order to carry out the purposes of this Act, and shall operate the same. It is the intention of this

Act that such government operations shall be a temporary expedient to safeguard the public interest pending the settlement of the dispute by the parties.

(b) Such government operations may be conducted by the governor through such department or agency of the Territory as he may designate, and he may delegate to such agency such of his powers as are necessary to conduct such operations.

(c) The governor shall have such power and authority as shall be reasonably necessary to conduct such government operations in a manner consistent with the public health, safety and welfare, including without limitation upon the generality of the foregoing the power to make such contracts and arrangements with shipowners, charterers, agents and operators, wharf and pier owners and operators, stevedoring companies, trucking operators, warehousemen, and other persons as may be required in order to provide stevedoring services and related services. The governor shall have the power to make contracts without regard to the provisions of sections 351-363 of chapter 9, Revised Laws of Hawaii 1945, and, specifically, the certificate of the auditor as to the availability of an unexpended appropriation or balance of an appropriation to cover the amount required by any such contract, shall not be required.

(d) In operating each company the governor, so far as possible, shall employ or engage the personnel, including employees on strike, employed by such company upon the taking of possession thereof or immediately prior to the beginning of the strike. Persons so employed or engaged by the governor or otherwise employed or engaged by the governor shall not by reason of such employment be or become entitled to civil service, retirement, vacation, or other benefits provided by law for other employees of the Territory, nor shall they be required to possess the qualifications of other government employees, and no person shall be ineligible for employment by reason of the fact that he is not a citizen of the United States or of the Territory; **provided** that, if it shall be necessary to employ persons who were not theretofore employed by the company, such persons shall possess the residence qualifications prescribed by section 451 of the Revised Laws of Hawaii 1945; **provided**, further, that all citizens employed or engaged by the governor under the provisions of this Act shall subscribe to the oath or affirmation prescribed by the provisions of chapter 13, Revised Laws of Hawaii 1945, and all non-citizens shall subscribe to the following oath or affirmation:

"I, _____ do solemnly swear

and declare, on oath, that I am not now nor have I been at any time within the five years next preceding the taking of this oath a communist or a member of the communist party; that I have not at any time within the five years next preceding the taking of this oath held membership in, paid assessments, dues, or made contributions to any organization or any political party which advocates the overthrow of the constitutional form of government of the United States of America or any change in the government of the United States of America, except as provided by its constitution; that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God."

Upon being satisfied as to the sincerity of any person claiming that he is unwilling to take the above prescribed oath only because due to religious beliefs he is unwilling to be sworn, he may be permitted, in lieu of such oath, to make his solemn affirmation which shall be in the same form as the said oath except that the words "sincerely and truly affirm" shall be substituted for the word "swear", and the phrases "on oath" and "So help me God" shall be omitted.

The salaries and wage rates of the persons employed by the Territory shall not be higher than those which existed in the industry immediately prior to the beginning of the strike. There shall be no deductions from such salaries and wages except as authorized by law in the case of other Territorial employees. The hours of employment shall be the same as existed in the industry immediately prior to the beginning of the strike, and in so far as possible the other conditions of employment shall be the same as then existed, and neither the governor nor the designated agency shall have authority to enter into negotiations with any such company or with any labor organization for a collective bargaining contract with respect to wages, hours, and other terms and conditions of employment in the industry.

(e) There is hereby established in the treasury of the Territory a revolving fund to be known as the "stevedoring revolving fund". The sum of \$250,000.00 is hereby appropriated to said fund from the general revenues of the Territory and shall be deposited in said fund. The governor may further augment said appropriation from his contingent fund, and in addition thereto may cause to be deposited in said revolving fund as a loan or loans from the general fund further amounts from time to time as required for the purposes of this Act, but the amount of such further loans from the general fund, outstanding at any one time, shall not exceed

\$250,000.00. All revenues collected by the governor shall be deposited in said revolving fund and are hereby appropriated for the purposes thereof. Expenditures may be made from said stevedoring revolving fund for any and all of the purposes of this Act and the operations of the government under this Act, including without limitation of the generality of the foregoing, the compensation of employees and for other personal services, other current expenses, insurance, taxes, and expenditures for the performance of any and all contracts and arrangements authorized by this Act. Such expenditures may be made by the governor or the governor may allot any money in said fund to the designated agency for expenditure upon his or its own vouchers.

(f) Charges shall be made and collected for deposit in said revolving fund. Such charges so far as possible shall be based upon the rates prevailing in the industry immediately prior to the commencement of the strike, but due consideration shall be given to current conditions existing in the industry, including the expenses and other costs incurred or which may be incurred by the Territory under this Act. Each company shall be operated by the government for the account of the company, and from time to time the governor shall pay each such company from the revolving fund the revenues derived from the operations of the company under the provisions of this Act, after deducting therefrom all of the costs and expenses of such operations of the company, including insurance and taxes, and after further deducting a fee computed in the amount of one quarter of one per centum of the gross revenues of the company so operated by the governor. Such fee shall be a realization of the Territory but shall remain in the revolving fund available for the purposes thereof.

Provided, that each such company shall have the right to elect, by written notice filed with the governor within ten days after the taking of possession of the business, plant, or facilities of such company pursuant to paragraph (a), to waive all claims, under the preceding provisions, to the revenues of operations, and to receive in lieu thereof fair and reasonable compensation for the appropriation and use of its property, without allowance for prospective profits, for which compensation such company shall be entitled to sue the Territory in the manner provided in chapter 220, Revised Laws of Hawaii 1945, provided that such suit shall be instituted within three months after the termination of such appropriation.

Section 4. Termination of government operations. (a) Whenever any company, whose business, plant or facilities have been taken over by the Territory, and its employees

involved in the dispute shall jointly report in writing to the governor that they have arrived at an agreement adjusting and terminating the dispute out of which the strike arose, and that they are in a position to immediately resume and continue without interruption their services and the operation of such company, the governor shall forthwith terminate the government operation of and restore such business, plant or facilities to such company.

(b) Whenever in the opinion of the governor government operation of any such company is no longer necessary to preserve the public health, safety and welfare he shall, without regard to the settlement or continuation of the dispute, forthwith terminate the government operation of and restore such business, plant and facilities to such company.

(c) Whenever a majority of the employees engaged in stevedoring services in any bargaining unit report to the governor in writing stating that they are in a position to and can and will resume operations and render normal stevedoring services for the company which employed them before the dispute on terms satisfactory to themselves and such company, and shall satisfy the governor of the correctness of such statement and that all related services will also be available, the governor shall forthwith terminate the government operation of and restore such business, plant and facilities to such company. In the event that the governor for any reason refuses to terminate government operation of such company, such employees shall have the right to have an order issued by the circuit judge at chambers in equity of the circuit in which such company is located to show cause why such government operation should not be terminated. Such order shall be served upon the attorney general of the Territory and shall be returnable in ten days. The decision of such court shall be final as to the conditions then existing but shall not be a bar to subsequent applications for such order to show cause. For the purposes of this paragraph one or more employees may be appointed by the court to represent the class of employees applying for the order to show cause.

(d) Whenever any company whose business, plant or facilities have been taken over by the Territory reports to the governor in writing stating that it is in a position to and can and will resume operations and render normal stevedoring services by its employees involved in the dispute on terms satisfactory to itself and such employees, and shall satisfy the governor of the correctness of such statement and that all related services will also be available, the governor shall forthwith terminate the government operation of and restore such

business, plant and facilities to such company. In the event that the governor for any reason refuses to terminate government operation of such company, such company shall have the right to have an order issued by the circuit judge at chambers in equity of the circuit in which such company is located to show cause why such government operation should not be terminated. Such order shall be served upon the attorney general of the Territory and shall be returnable in ten days. The decision of such court shall be final as to conditions then existing but shall not be a bar to subsequent applications for such order to show cause.

Section 5. Interference with government operations; injunctions. During any period of government operations as provided for by this Act it shall be unlawful for any person or persons to engage in a strike or any other concerted activity interfering or threatening to interfere with the conduct of any such operations by the Territory, or to aid or encourage any such strike or other concerted activity by giving direction or guidance in the conduct thereof or by providing funds for the payment of strike, unemployment or other benefits to persons participating therein. It shall be unlawful for any person or persons to engage in a strike or other concerted refusal to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government, pursuant to the provisions of this Act, or to engage in a strike or other concerted refusal to perform services on any vessel worked by the government, where an object of any such strike or concerted refusal is to force or require the employer or any such person or persons to cease doing business with the government as the operator of such business; or to aid or encourage any such strike or concerted activity by giving direction or guidance in the conduct thereof or by providing funds for the payment of strike, unemployment or other benefits to persons participating therein. The provisions of this section shall be enforceable by injunction proceedings as herein provided.

The attorney general at his own instance or at the request of the governor or the designated agency, in the event any person shall be violating or failing to comply with the provisions of this section, or there shall be reasonable cause to believe that such person is about to violate or fail to comply with the provisions of this section, shall institute appropriate proceedings before a circuit judge at chambers in equity to enjoin the performance of any acts or practices forbidden by this section, or to require such person to comply with the provisions of this section. Jurisdiction to hear and dispose of

all actions under this section is hereby conferred upon each circuit judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this section. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization. In the event of a violation or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county shall at the request of the attorney general conduct on behalf of the Territory any proceeding provided for by this section.

Section 6. Employee need not work involuntarily. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor or service by an individual employee an illegal act.

Section 7. Law an exercise of police power. This Act shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the people; and all of the provisions of the Act shall be liberally construed for the accomplishment of said purposes.

Section 8. Rules and regulations. For the purpose of carrying out the provisions of this Act the governor shall have the power to prescribe rules and regulations having the force and effect of law. The power to prescribe rules and regulations having the force and effect of law shall not be deemed in derogation of the power of the governor to make orders for the enforcement of the appropriate provisions of this Act or the rules and regulations issued hereunder. Such rules and regulations may provide for the making of administrative findings by duly authorized representatives or agencies, or for the application of such rules or regulations by such representatives or agencies as the circumstances may require, and the issuance of orders therefor. Such rules and regulations may provide for maintenance, as part of the stevedoring revolving fund, of special bank accounts and cash funds, for drawing thereon by paymasters or other persons approved by the governor or the designated agency, and for the manner of accounting therefor. Rules and regulations

prescribed pursuant to the provisions of this Act shall be promulgated by publishing the same in a newspaper of general circulation in the Territory, or, where only known persons are concerned, the same may be promulgated by service upon such persons by registered mail, or by personal service thereof. The provisions of sections 466 to 476, inclusive, Revised Laws of Hawaii 1945, shall not be applicable to the rules and regulations prescribed under the provisions of this Act. Any person violating any rule or regulation promulgated by the governor under the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than three months, or both such fine and imprisonment.

Section 9. **Future emergencies.** Whenever, and as often as, after the termination of the emergency declared by section 1, a strike or lockout in the stevedoring industry, or in any related facility or service, or any substantial part of such industry, facility or service, is threatened or has occurred, and the governor shall find that such threatened or actual strike or lockout, if permitted to occur or to continue, will imperil the public health, safety or welfare, he shall issue a proclamation to that effect declaring an emergency, and shall urge the parties to the dispute to refrain from a stoppage of work, or if such stoppage has occurred, to resume work and operation in the public interest. After the issuance of such proclamation and during the emergency thereby proclaimed, and in the event of an actual strike or lockout (whether in existence at the time of issuance of such proclamation or occurring thereafter) which imperils or threatens to imperil the public health, safety or welfare, the governor is hereby authorized and empowered to exercise every power by this Act conferred upon him in regard to the present emergency, including, without limitation of the generality of the foregoing, the power to take possession of and to operate any business, plant or facility of the stevedoring industry, or of any related facility or service. In any such event every provision of this Act shall apply. For the purposes of this section, the terms "strike" or "the strike", as used in sections 3 and 4 hereof, shall be deemed to include, in addition to a strike, a lockout, and the term "employees on strike", as used in said sections, shall be deemed to include, in addition to employees on strike, employees who are locked out.

Section 10. **Separability.** If any section, sentence, clause or phrase of this Act, or its application to any employer, employee, person or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions of this

Act, or the application of this Act to other employers, employees, persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid and irrespective of the fact that the application of this Act to any one or more employers, employees, persons or circumstances be declared unconstitutional or invalid.

Section 11. **Powers in addition to other powers.** The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of the governor.

Section 12. **Exemption.** The provisions of this Act shall not be applicable with respect to any person subject to the Federal Railway Labor Act.

Section 13. **Effective date; expiration.** This Act shall take effect upon its approval and shall expire one hundred and eighty days from and after said effective date; **provided**, that any violation or failure to comply with any rule, regulation or court order, committed or occurring while this Act is in force, may be prosecuted and punished or other appropriate proceedings thereon taken whether or not this Act is in force at the time of such prosecution, punishment, or proceedings; **provided**, further, that notwithstanding the expiration of this Act, this Act shall remain and continue in force for the enforcement of rights and liabilities which shall have accrued or attached on or before the date of expiration, hereinabove set forth, and for the expenditure of moneys to meet obligations incurred under the authority of this Act prior to said date of expiration.

(Approved August 6, 1949.) **H.B. 2, Act 2.**

Series F-66: ACT 3

An Act to Amend Act 2 of the Special Session Laws of Hawaii 1949 by Amending Section 5 Thereof With Respect to Furthering Government Operations Under and Accomplishing the Purposes of Said Act and Preventing Interference Therewith, and by Amending Section 11 Thereof With Respect to Preservation of Powers Conferred by Other Laws; and Approving the Governor's Designation of the Agency to Administer Said Act 2.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby amended by deleting the first paragraph of said section and inserting in lieu thereof the following:

“Section 5. **Interference with government operations; injunctions.** (a) As used in this section, unless the context clearly indicates otherwise:

(1) The term ‘employee’ includes any employee, and is not limited to the employees of a particular employer.

(2) The term ‘government employee’ means one employed by the government.

(3) The term ‘private employee’ means one employed by other than the government.

(4) The term ‘strike’ includes any strike or other concerted stoppage of work by employees, and any concerted slowdown, retardation, or other concerted interruption of work by employees.

(5) The terms ‘person’, ‘labor dispute’, and ‘labor organization’, have the meanings defined by section 2 of this Act.

(b) During any period of government operations as provided for by this Act any of the following shall be unlawful:

(1) For any government employee engaged in such government operations to participate in any strike.

(2) To establish or maintain a picket line of one or more persons with an object of picketing any pier, dock, wharf, landing, or warehouse which is a place of government operations under this Act, or to engage in picketing any pier, dock, wharf, landing, or warehouse which is a place of government operations under this Act, the legislature hereby finding that such picketing constitutes an obstruction to the accomplishment of the purposes of this Act.

(3) To establish or maintain a picket line of one or more persons to picket, or to engage in picketing of, any place where government operations are or are about to be conducted under this Act, if such picketing interferes or threatens to interfere with such government operations or with the accomplishment of the purposes of this Act.

(4) For any private employee to engage in a

strike or other concerted refusal to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or to perform services on any vessel worked or to be worked by the government, where an object of any such strike or concerted refusal is (A) to interfere with the conducting of government operations, or (B) to force or require any person to cease transporting or otherwise handling cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or (C) to cause loss, injury or damage to any person by reason of his having transported or otherwise handled or being about to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act; **provided**, however, that this paragraph shall not, by reason of refusal to return to employment involved in the labor dispute which occasioned the existing public emergency or by reason of refusal to accept employment by the government, apply to any employee engaged in such labor dispute.

(5) To establish or maintain a picket line of one or more persons or engage in picketing or any other concerted activity with an object of (A) interfering with the conducting of government operations, or (B) forcing or requiring any person to cease transporting cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or (C) causing loss, injury or damage to any person by reason of his having transported or handled or being about to transport or handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act.

(6) For any person, by picketing or otherwise, to instigate, induce, procure, bring about, coerce, or incite any violation of this section, or to undertake or concert with another to violate this section.

(7) For any person to aid or encourage any violation of this section by giving orders, direction or guidance therefor or in the conduct thereof, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment or other benefits to those participating therein."

Section 2. Section 5 of Act 2 of the Special Session

Laws of Hawaii 1949 is hereby further amended by designating the last paragraph thereof as (c), and amending the same to read as follows:

“(c) The attorney general at his own instance or at the request of the governor or the designated agency, in the event any person shall be violating or failing to comply with the provisions of this section, or there shall be reasonable cause to believe that such person is about to violate or fail to comply with the provisions of this section, shall institute appropriate proceedings before a court having equity jurisdiction, to enjoin the performance of any acts or practices forbidden by this section, or to require such person to comply with the provisions of this section. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this section. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county shall at the request of the attorney general conduct on behalf of the Territory any proceedings provided for by this section. This paragraph shall not be construed as precluding the attorney general from resorting to any other remedies or proceedings which may be appropriate, the attorney general being hereby authorized to represent the Territory in all such matters and to resort to any or all of the applicable remedies and proceedings, according to his best judgment.”

Section 3. Section 11 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby amended to read as follows:

“Section 11. **Powers in addition to other powers.**
The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other

law, and nothing contained herein shall be construed as limiting any other powers of the governor or the designated agency."

Section 4. The governor's designation of the board of harbor commissioners of the Territory of Hawaii, acting through its manager and chief engineer subject to the control of the board, as the agency to administer said Act 2 of the Special Session Laws of Hawaii 1949, is hereby ratified, approved and confirmed.

Section 5. **Separability.** If any section, sentence, clause or phrase of this Act, or its application to any employee, person or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other employees, persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid and irrespective of the fact that the application of this Act to any one or more employees, persons or circumstances be declared unconstitutional or invalid.

Section 6. This Act shall take effect upon its approval.
(Approved August 18, 1949.) **S.B. 23, Act 3.**

WAIANAE-NANAKULI GOVERNMENT PHYSICIAN.

Series F-67: ACT 60

An Act Relating to Government Physician for the Waianae-Nanakuli District, and Making an Appropriation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. A part time government physician shall be appointed for the Waianae-Nanakuli district, which district shall be interpreted, for the purposes of this Act, to include Makaha, Waianae, Luualualei, Maile and Nanakuli.

Section 2. Such physician shall be appointed by, his activities shall be under the supervision of, and his compensation for the biennium, within the limits of the monies appropriated by section 3 of this Act and the classification law of the Territory, shall be fixed by the board of health of the Territory of Hawaii.

Section 3. There is hereby appropriated from the general

revenues of the Territory of Hawaii the sum of \$3,500.00 to be expended by the board of health for the purposes of this Act. Any part of such monies not needed to pay the compensation of the physician hereinabove specified in section 1 shall be expended for the purchase of drugs and medical supplies for use by said government physician in the treatment of medically indigent patients.

Section 4. This Act shall take effect upon its approval.

(Approved October 31, 1949.) **H.B. 120, Act 60.**

JOINT RESOLUTIONS.

J. R. 1

Joint Resolution Petitioning the President of the United States to Name the Territory of Hawaii As An Emergency Unemployment Region and Requesting that He Order Federal Agencies to Assign Federal Orders to Hawaiian Industry, Approve Federal Public Works Projects for Hawaii and Maintain the National Defense Establishments Within the Territory at a High Level of Readiness.

WHEREAS, general economic conditions in the United States have deteriorated to an extent requiring federal cognizance of the growing unemployment problem; and

WHEREAS, a combination of deflationary factors, including sharp curtailment in recent months of activities in the Territory of Hawaii by the Army, Navy and Air Forces, a four-month tie-up of shipping between the Territory of Hawaii and the Pacific coast late in 1948, and a tie-up of all island ports in the Territory of Hawaii since May 1, 1949, have caused a severe economic decline and an alarming increase in unemployment in the Territory of Hawaii; and

WHEREAS, on the island of Oahu alone, where the bulk of the population of the Territory of Hawaii resides, there are over 18,000 unemployed persons out of a working population of 136,000 (about 13-1/2 per cent. of the total); and

WHEREAS, for the Territory of Hawaii as a whole there are over 25,000 unemployed out of a working population of 200,000 (about 12-1/2 per cent. of the total); and

WHEREAS, this economic decline in the Territory of Hawaii is substantially more severe than for the United States as a whole, causing a curtailment of reserves of private business in the Territory; and

WHEREAS, the Territory's lack of mineral or other ex-

tractive natural resources, its distance from markets, and the physical limitations of its productive capacity make adjustment to economic change more difficult than in other areas of more diversified economic activity; and

WHEREAS, the federal policy of special action to ameliorate such conditions by a judicious channeling of federal orders, authorizations for new federal public works, and maintenance of national defense establishments is being developed in other areas of the United States faced with similar difficulties; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the President of the United States be respectfully requested to declare the Territory of Hawaii as an emergency unemployment region; direct appropriate federal agencies and officials to take action to encourage employment in the Territory of Hawaii by channeling government contracts to Hawaiian firms where possible; direct that any transfers of military installations take advantage of the suitability and strategic location of Hawaii for such installations; and request the Congress of the United States to enact legislation now pending for certain federal public works projects in the Territory.

Section 2. That a certified copy of this Joint Resolution be transmitted to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Delegate to Congress from the Territory of Hawaii, the Secretary of the Interior, the Secretary of Defense, the Maritime Commission, the Secretary of Labor, the Veterans Administration and the Economic Cooperation Administration.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved October 4, 1949) **S. J. R. 5, J. R. 1.**

J. R. 2

Joint Resolution Relating to the Hospital now Called The Shingle Memorial Hospital; Appropriating Money for the Said Hospital now Called the Shingle Memorial Hospital and any Successor Hospital There-to; and Appropriating for and Making Available for Expenditure by any said Successor Hospital Moneys Appropriated for said Shingle Memorial Hospital by Act 335 of the Session Laws of Hawaii 1949.

WHEREAS, the Shingle Memorial Hospital is the only

J. R. 2 SHINGLE MEMORIAL HOSPITAL—APPROPRIATION

hospital on the island of Molokai which serves the general public of said island; and

WHEREAS, the operations of the said hospital have been such that its managing body has become indebted on account thereof in a sum of about seventeen thousand five hundred dollars (\$17,500.00); and

WHEREAS, plans have been made to change the name of the said hospital and to change its ownership and management; and

WHEREAS, by Act 335 of the Session Laws of Hawaii 1949 the sum of \$50,677.00 was appropriated for the said hospital for the biennium 1949-1951; and

WHEREAS, the public health and welfare of the people of the island of Molokai require that the said hospital continue in operation, and, to that end, such hospital be financially assisted by the Territory of Hawaii as hereinafter provided; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That, in the event the name of the said Shingle Memorial Hospital is changed to another name and its ownership and management is changed from its present owner and manager to another owner and manager, the remaining unexpended balance of the sum of \$50,677.00, heretofore appropriated for the said Shingle Memorial Hospital by Act 335 [Series F-331] of the Session Laws of Hawaii 1949, is hereby appropriated out of the general revenues of the Territory for and shall be paid to the said successor hospital, regardless of its name, ownership or management; **provided**, however, that under the charter, constitution or other instrument governing the operation and management of the said successor hospital it is provided that the said hospital is not organized for profit and that no part of its assets, income, or earnings shall be used for dividends, or otherwise withdrawn or distributed to any of its owners or members.

Section 2. That, in addition to the moneys appropriated by section 1 hereof, the sum of \$17,500.00 is hereby appropriated out of the general revenues of the Territory for the said Shingle Memorial Hospital for the purpose of discharging debts, including taxes, heretofore incurred in the operation of said Shingle Memorial Hospital; **provided**, however, that the sum hereby appropriated in this section shall not be paid out unless and until the ownership and management of the said Shingle Memorial Hospital has been changed from its present owner and manager to another owner and manager as provided in and subject to the proviso of section

1 hereof; **provided**, further, that said sum shall not be paid out unless and until the present management of the said Shingle Memorial Hospital and such successor owner of said Shingle Memorial Hospital have entered into an agreement with the Territory by the territorial treasurer in such form as may be approved by the attorney general to hold all accounts receivable as of July 31, 1949, which remain unpaid as of the effective date of this Joint Resolution, for the benefit of the Territory and to pay over to the territorial treasurer as and when received all collections on account of said accounts receivable which said collections when so received shall become general realizations of the Territory.

Section 3. Nothing herein contained shall be construed as affecting the said appropriation made for the said Shingle Memorial Hospital by said Act 335, which appropriation shall be paid to it, from time to time, until the name of said hospital and its ownership and management is changed as above provided for in section 1 hereof.

Section 4. This Joint Resolution shall take effect upon its approval.

(Approved October 18, 1949.) **S. J. R. 3, J. R. 2.**

J.R. 3

Joint Resolution Extending the Lapse Date of the Appropriation Made for the Hawaii County Library in Act 7 of the Session Laws of Hawaii 1949 and Ratifying and Approving Acts of Certain Persons Acting as the Managing Board of Said Library in Connection Therewith.

WHEREAS, by Act 7 of the Session Laws of Hawaii 1949, an appropriation of \$73,910.00 was made for the Hawaii County Library for expenditure in the biennium ending June 30, 1949; and

WHEREAS, certain persons namely, Carl S. Carlsmith, Senator Eugene S. Capellas, Andrew Spalding, Harry Irwin, Harry Brown, Mrs. Emma P. Giacometti, Mrs. Geo. Richardson, Miss Margaret Shipman and George Lowson, acting as the managing board of said library did authorize and empower the superintendent of public works of the Territory of Hawaii to call for tenders and to enter into a contract on its behalf for certain equipment and furnishings for said library; and

WHEREAS, the authority of said persons to act as such board and the legality of said actions have been disputed; and

WHEREAS, it is desirable that such appropriation remain

available for expenditure for the purposes specified and that the authority of such persons acting as said board to authorize and empower said superintendent of public works to call for tenders and enter into a contract for the expenditure of said funds on behalf of said board be ratified, confirmed and approved; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The appropriation of \$73,910.00 for the Hawaii County Library made in Act 7 [Series F-332] of the Session Laws of Hawaii 1949, shall be expendable until June 30, 1951, notwithstanding the provisions of section 2 of said Act 7, that it be lapsed prior thereto.

Section 2. The authority of the aforesaid persons acting as the managing board of the Hawaii county library to authorize and empower the superintendent of public works of the Territory of Hawaii on behalf of said board to call for tenders and enter into a contract for the expenditure of the funds appropriated for said library in Act 7 of the Session Laws of Hawaii 1949, and the actions of said persons acting as said board in authorizing and empowering said superintendent of public works to call for tenders and enter into a contract on its behalf are hereby ratified, confirmed and approved; **provided**, however, nothing herein contained shall be construed as a ratification or disaffirmance of any action which may have been taken by said persons or said superintendent in accepting or rejecting any tenders or in purporting to award any contract for the expenditure of any moneys appropriated by said Act 7.

Section 2. This Resolution shall take effect upon its approval.

(Approved October 20, 1949.) **S.J.R. 6, J.R. 3.**

J.R. 4

Joint Resolution Authorizing and Directing the Superintendent of Public Works in Expending the Appropriation Made by Act 304 of the Session Laws of Hawaii 1949 to Employ or Cause to be Employed Such Numbers of the Present Labor Force of the County of Maui as May be Necessary; and Providing that Chapter 9 of the Revised Laws of Hawaii 1945 Shall Not Apply to the Expenditure of Said Appropriation.

WHEREAS, the county of Maui due to its financial condition is faced with the necessity of drastically reducing its force of laborers employed on a per diem basis; and

WHEREAS, the laying off of such men at this time when

unemployment in the county is growing would cause distress and hardship to such men and their families; and

WHEREAS, it is desirable under the circumstances to permit the county to employ its labor force on minor public improvement projects, now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The superintendent of public works is hereby authorized and directed, in the expenditure of the appropriation made by Act 304 [Series F-393] of the Session Laws of Hawaii 1949 for the acquisition and construction of a drainage outlet from certain government lands in the county of Maui, to employ or cause to be employed such numbers of the present labor force of the county of Maui as may be necessary in carrying out said project.

Section 2. The provisions of chapter 9 of the Revised Laws of Hawaii 1945 shall not apply to the expenditure of the funds appropriated in Act 304 of the Session Laws of Hawaii 1949.

Section 3. This Resolution shall take effect upon its approval. (Approved October 24, 1949.) **S.J.R. 7, J.R. 4.**

J. R. 5

Joint Resolution Creating a Fact-Finding Commission on Communist and Other Subversive Activities Including Activities of Persons Seeking to Overthrow Our Constitutional Form of Government by Force and Violence in the Territory of Hawaii, Conferring Powers and Duties Upon It, and Making Appropriations.

WHEREAS, in these times of grave international tension, there are within the United States communists and other subversive persons and groups which are presently and clearly endangering our domestic tranquillity and unity, and our provision for common defense, who, under the cloak of the Constitution, seek to destroy our liberties and our freedom by force, threats and sabotage, and to subject us to the domination of foreign powers; and

WHEREAS, there are persons and groups, motivated by contempt for our republican form of government, and constitutional democracy, and hatred of our insistence upon the inalienable rights of all men to life, liberty and the pursuit of happiness, who are now seeking to achieve from within by subversion and conspiracy the substitution for these American ideals and processes a communist program of totalitarian gov-

ernment subservient to a foreign power or powers; and there is danger that the ordeal of war which we have endured in order to perpetuate our individual and collective freedom may be in vain; and

WHEREAS, communists have been projecting their influence and their skillfully designed and adroitly executed propaganda into our national life and have extended their activities to the Territory of Hawaii; and

WHEREAS, there is evidence indicating that there are subversive persons and groups active in soliciting the support, confidence and membership of persons in government, who seek to further their purposes by corrupting and causing disloyalty in governmental offices and agencies; and

WHEREAS, it is in the public interest that the problem as it affects the Territory be studied with a view to the enactment of appropriate legislation; and

WHEREAS, Territorial legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active commission appointed by the governor; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. [**Commission on subversive activities; appointment; chairman.**] There is hereby created a fact-finding commission to be known as "The Commission on Subversive Activities", hereinafter referred to as the "commission", for the purposes and with the powers and duties herein stated.

The commission shall be composed of seven members, three of whom shall respectively be residents of the islands of Kauai, Maui and Hawaii, nominated and appointed for a term of four years by the governor by and with the advice and consent of the Senate of the Territory of Hawaii, one of whom shall be designated in the appointment as chairman, and at least three of whom, including the chairman, shall be attorneys licensed to practice in all of the courts of the Territory, and no more than four of whom shall be members of any one political party. Any vacancy occurring in the membership of the commission may be forthwith filled by the governor and such appointment shall be effective at once.

In case of the chairman's absence, illness or incapacity, the said commission shall select from its membership an acting chairman, to serve during such absence, illness or incapacity. The chairman or acting chairman, as the case may be, shall: (1) preside at all meetings of the said commission; (2) certify or authenticate all actions, doings, proceedings or documents of the said commission; (3) approve all vouchers for expendi-

ture authorized by this Joint Resolution; (4) hold in his custody, for the said commission, all records, papers, books, accounts and other documents of the said commission; (5) subject to the directions of the said commission, supervise all employees of the commission; and (6) perform all other acts authorized by the said commission pursuant to the provisions of this Joint Resolution.

Section 2. [**Investigations to be made by commission.**] The commission shall:

(a) Investigate, ascertain, collate, appraise, study and analyze all facts directly or indirectly relating to any person or persons or groups of persons, within the Territory, who (1) endanger the provision for the common defense against aggression by any foreign nation, (2) seek to destroy by force, threats or sabotage, liberties and freedom guaranteed by or provided for in the United States Constitution, (3) seek to subject the United States and the Territory to the domination of any foreign nation, (4) seek to achieve by subversion or conspiracy, the substitution for American ideals and processes in the Territory a communist or other program of totalitarian government subservient to a foreign nation, (5) advocate the overthrow of the government of the United States or of the Territory by force or violence or other unlawful means, (6) seek to corrupt or subvert officers or employees of the government for the purpose of substituting for American ideals and processes in the Territory a communist or other program of totalitarian government or for the purpose of overthrowing the government of the United States or of the Territory by force or violence or other unlawful means, (7) unlawfully engage in espionage or fifth column activities on behalf of any foreign nation, or (8) seek to undermine the stability of American institutions or individual rights, liberties and freedoms; and

(b) Investigate, ascertain, study and report on the activities of persons, groups or organizations, within the Territory, whose membership includes persons who are communists, or any other persons, groups or organizations, within the Territory, known or suspected to be dominated or controlled by a foreign nation or to have as an objective the overthrow of the governments of Hawaii or of the United States by force or violence or other unlawful means.

Section 3. [**Reports to be made.**] The commission may file interim reports to every special session of the legislature of the Territory of Hawaii and file its final written report to the legislature not later than the tenth legislative day of the next regular session, **provided**, however, the commission may

make a report to the governor whenever circumstances in its judgment so warrant.

Section 4. [Powers and duties.] The commission hereby created in exercising the powers and performing the functions vested in it by this Resolution shall have:

(a) All powers necessary or convenient to accomplish the objects and purposes of this Resolution, including but not limited to the following duties and powers:

(1) To employ, without regard to any residence qualifications provided for government officers and employees in other laws, and to fix the compensation of such clerical, investigative, legal, expert and technical assistants as it may deem necessary, which assistants shall not be subject to the territorial civil service and classification laws;

(2) To create committees from its membership and to designate the chairman thereof, assigning to the committee any study, inquiry, investigation or hearing which the commission itself has authority to undertake or hold, and the committee shall have and exercise all of the powers conferred upon the commission, limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the committees, which powers may be withdrawn or terminated at any time by the commission; **provided** that no report of a committee shall be made public until and unless it is adopted and released by the commission;

(3) To adopt, and from time to time, amend or revise rules as may be necessary or desirable to govern its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter);

(4) To contract with such other agencies, public or private, within or without the Territory, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the commission as will best assist it to carry out the purposes for which it is created; and to lease, rent or buy such supplies and facilities as may be required;

(5) To make a complete study, survey and investigation of every phase of the subject of this Resolution, including but not limited to the operation, effect, administration, enforcement, needed revision and enactment of any and all laws in anywise bearing upon or relating to the subject of this Resolution;

(6) To meet at any and all places in this Territory, in public or executive session;

(7) To report its findings and recommendations to the legislature or to the governor from time to time and at any

time, except that the final report shall be filed not later than as herein provided; and **provided** that no such report shall be released to the public except with the prior approval of the governor or the legislature; and

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this Joint Resolution.

Section 5. [**Rules of procedure.**] The commission shall adopt proper rules to provide:

(a) That the subject of any investigation be set forth clearly in advance to witnesses called.

(b) That witnesses will have the right to be accompanied by counsel, permitted to advise the witness while on the stand of his rights.

(c) That witnesses may be permitted reasonable opportunity at the conclusion of the examination by the commission to supplement their testimony in writing on matters with regard to which they have been previously examined.

(d) That witnesses will be permitted to inspect a stenographic record of their testimony, and, if the testimony is given at a public session, witnesses may receive a copy of their testimony at their expense.

(e) That no photographs, moving pictures, television or radio broadcasting of the proceedings shall be permitted while any witness is testifying.

Section 6. [**Oaths; false swearing as perjury.**] Each member of the commission, and any person designated by the commission or by its chairman, is authorized and empowered to administer oaths. False swearing by any witness before the commission or any committee thereof shall constitute perjury and shall be punished as such.

Section 7. [**Subpoena; witnesses; search warrants; contempt.**] In the discharge of any duty herein imposed, the commission, or any committee thereof, shall have the authority through its designated members or subordinates to issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, to cause the deposition of witnesses, either residing within or without the Territory, to be taken in the manner prescribed by law for taking depositions in civil actions in the circuit courts, to pay fees and traveling expenses of witnesses to insure their attendance, if necessary, and to procure, from any court having jurisdiction upon complaint showing probable cause to believe that pertinent evidence is being concealed or

withheld from the commission, or a committee thereof, as the case may be, a search warrant, and cause search to be made therefor. In any case of disobedience on the part of any person to comply with any subpoena issued in behalf of such commission, or any committee thereof, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated before the commission, or any committee thereof, it shall be the duty of the circuit court of any circuit, or of the judge thereof, upon application of such commission, or committee, or any member thereof, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Section 8. [**Subpoena, form; service.**] Every such subpoena shall run in the name of "The Territory of Hawaii" and shall be sufficient if it: (a) states whether the proceeding is before the said commission, or a committee; (b) is addressed to the person desired as a witness; (c) requires the attendance of the person desired as a witness at a time and place certain; and (d) is signed by the chairman of said commission, or the chairman of a committee thereof before whom attendance of the person as a witness is desired.

Every such subpoena shall be served upon the person to whom it is addressed by the high sheriff of the Territory or his deputy, or a sheriff of a county or his deputy, or any police officer, or any other person designated by the commission to serve the same.

Section 9. [**Government officers, employees, to assist.**] Every department, commission, board, agency, officer and employee of the Territory and of any political subdivision thereof shall furnish the commission and any committee, upon request, any and all such assistance, and information, records and documents as the commission or committee deems proper for the accomplishment of the purposes for which the commission is created; and any officer or employee of the Territory, or of any political subdivision thereof, shall, upon written request of the commission, or of any committee thereof, appear before the commission or such committee, as the case may be, and shall give such evidence, information or testimony as may be required of him.

Section 10. [**Witnesses; fees and expenses.**] Every witness who appears before the commission, or any committee thereof, by its order, other than an officer or employee of the Territory or any political subdivision thereof, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of

record and such fees and mileage shall be paid from the appropriation herein made for said commission upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of said commission, **provided**, however, that in the case of expert witnesses the commission may pay such additional amounts as it deems proper in the circumstances.

Section 11. [**Witnesses; duties and privileges.**] No person shall be excused from attending and testifying or from producing books, papers or documents before the commission or any committee thereof in obedience to the subpoena of the commission or of any committee thereof; but no individual shall be prosecuted or subjected to any penalty or forfeiture on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or to produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Section 12. [**Salaries and expenses.**] The members appointed to the fact-finding commission on communist activities in the Territory of Hawaii shall be reimbursed for their actual traveling and hotel expenses incurred by them while attending sessions of the commission or any committee thereof at any time or times during the lawful existence of the commission and in the performance of any individual duty required of them by the commission, the same to be paid upon their individual vouchers, approved by the chairman of the commission, from such funds as may be made available therefor. The salaries and expenses of any expert, clerical, investigative, legal, technical and other assistants employed by the commission and all other proper costs, charges and expenses incurred by the commission shall be paid upon vouchers approved by the chairman of the commission from such funds.

Section 13. [**Appropriation.**] There is hereby appropriated from the general revenues of the Territory for the purpose of defraying the expenses of the commission, the sum of seventy-five thousand dollars (\$75,000.00), or so much thereof as may be necessary, said funds to be paid out of the treasury of the Territory on vouchers as herein provided on the warrant of the auditor of the Territory.

Section 14. [**Saving clause.**] If any phrase, clause, sentence, subsection, section, provision or part of this Joint Resolution, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Joint Resolution, or the application of this Joint Resolu-

tion to other persons or circumstances shall not be affected, and such remaining portions of this Joint Resolution shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Joint Resolution, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

Section 15. This Joint Resolution shall take effect upon its approval.

(Approved October 26, 1949.) **H. J. R. 1, J. R. 5.**

J. R. 6

Joint Resolution Relating to Taxation and Providing for the Remission of Certain Territorial Real Property Taxes.

WHEREAS, under subparagraph 3C of section 5151 of the Revised Laws of Hawaii 1945, as enacted by Act 385 of the Session Laws of Hawaii 1949, certain real property owned and used by the Moiliili community association for educational, religious or community purposes was exempted from territorial real property taxes for the calendar year 1949 and succeeding years; and

WHEREAS, territorial real property taxes have been levied upon the said real property and assessed against the said association for the calendar years 1947, 1948 and 1949, during which years the said real property was also owned and used by the said association for educational, religious or community purposes, which real property taxes are now due and unpaid; and

WHEREAS, it is believed that the aforesaid taxes should be remitted; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The tax commissioner of the Territory is hereby authorized and directed to remit all unpaid real property taxes heretofore assessed against the Moiliili community association, for each of the calendar years 1947, 1948 and 1949, upon all real property owned and used by the said association during each of the said years for educational, religious or community purposes.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved October 31, 1949.) **S. J. R. 10, J. R. 6.**

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§ = section R.L. 1945
s. = section of S.L.

c. = Act of S.L.
A, B, etc. = series of S.L.

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